

[Submitting Counsel on Signature Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE KOREAN RAMEN ANTITRUST
LITIGATION

Case No. 3:13-cv-04115-WHO

**JOINT SUBMISSION OF COURT
EXHIBITS FROM TRIAL**

This Document Relates to:

ALL ACTIONS

1 The parties hereby jointly submit the Court Exhibits consisting of the transcripts of video
2 deposition testimony played at trial. *See* Tr. 3239:18 – 3240:6 (Dec. 14, 2018). Appended hereto
3 is an Index, followed by the Court Exhibits.

4 Respectfully submitted,
5 Dated: December 21, 2018 SQUIRE PATTON BOGGS (US) LLP

6
7 By: /s/ Mark C. Dosker

8 Mark C. Dosker
9 275 Battery Street, Suite 2600
10 San Francisco, California 94111
11 Telephone: (415) 954-0200
12 E-mail: mark.dosker@squirepb.com

13 Attorneys for Defendants
14 Nongshim Co. Ltd. and Nongshim America,
15 Inc.

16 Dated: December 21, 2018 GIBSON, DUNN & CRUTCHER LLP

17 By: /s/ Rachel S. Brass

18 Rachel S. Brass
19 555 Mission Street, Suite 3000
20 San Francisco, CA 94105
21 Telephone: (415) 393-8200
22 E-mail: rbrass@gibsondunn.com

23 Attorneys for Defendants
24 Ottogi Co. Ltd. and Ottogi America, Inc.

1 Dated: December 21, 2018

IZARD, KINDALL & RAABE, LLP

2
3 By: /s/ Mark P. Kindall

4 Mark P. Kindall
5 29 South Main Street, Suite 305
6 West Hartford, CT 06107
7 Telephone: (860) 493-6292
8 E-mail: mkindall@ikrlaw.com

9
10 Lead Counsel for the Indirect Purchaser
11 Plaintiffs

12 Dated: December 21, 2018

HAUSFELD LLP

13 By: /s/ Christopher L. Lebsack

14 Christopher L. Lebsack
15 600 Montgomery Street, Suite 3200
16 San Francisco, CA 94111
17 Telephone: (415) 633-1949
18 E-mail: clebsack@hausfeldllp.com

19 GLANCY PRONGAY & MURRAY LLP
20 Lee Albert
21 230 Park Avenue, Suite 530
22 New York, NY 10169
23 Telephone: (212) 682-5340
24 E-mail: lalbert@glancylaw.com

25
26 Lead Counsel for the Direct Purchaser
27 Plaintiffs
28

ATTESTATION

I hereby attest that I have on file written authorization for any signatures indicated by a
“conformed” signature (/s/) within this e-filed document.

/s/ Mark C. Dosker

Mark C. Dosker

In re Korean Ramen Antitrust Litigation

United States District Court for the Northern District of California

San Francisco Division

Case No. 3:13-cv-04115-WHO

Index of Court Exhibits -- Video Testimony Played during Trial

Court Exh. No.	Date	Witness	Type	Played by	Trial Trans. Page	Trial Trans. Vol.
1	11-14-2018	Soo Chang Ahn	Opening Statement	Plaintiffs	172	2
2	11-14-2018	Jin Woo Suh (Seo)	Opening Statement	Plaintiffs	179	2
3	11-14-2018	Soo Chang Ahn	Opening Statement	Defendants	214	2
4a	11-14-2018	David Luttway	Cross (Impeachment)	Defendants	282-283	2
4b	11-14-2018	David Luttway	Cross (Impeachment)	Defendants	286-287	2
5a	11-14-2018	Andy Luu	Cross (Impeachment)	Defendants	297	2
5b	11-14-2018	Andy Luu	Cross (Impeachment)	Defendants	301	2
6a	11-14-2018	Vincent Luu	Direct	Plaintiffs	306	2
6b	11-14-2018	Vincent Luu	Cross	Defendants	306	2
6c	11-14-2018	Vincent Luu	Re-Direct	Plaintiffs	306	2
7a	11-15-2018	Kevin Park	Direct	Plaintiffs	345	3
7b	11-15-2018	Kevin Park	Cross	Defendants	345	3
8a	11-15-2018	Soo Chang Ahn	Direct	Plaintiffs	370	3
8b	11-15-2018	Soo Chang Ahn	Cross	Defendants	376	3

Court Exh. No.	Date	Witness	Type	Played by	Trial Trans. Page	Trial Trans. Vol.
8c	11-15-2018	Soo Chang Ahn	Re-Direct	Plaintiffs	376	3
9a	11-16-2018	Stephen Haggard	Cross (Impeachment)	Defendants	539	4
9b	11-16-2018	Stephen Haggard	Cross (Impeachment)	Defendants	566	4
10a	11-16-2018	Jin Woo Suh (Seo)	Direct	Plaintiffs	575	4
10b	11-16-2018	Jin Woo Suh (Seo)	Cross	Defendants	576	4
11a	11-16-2018	Yeo Won Yoon	Direct	Plaintiffs	577	4
11b	11-16-2018	Yeo Won Yoon	Cross	Defendants	577- 578	4
12a	11-19-2018	Hyun Kyun (Gyoon) Choi	Direct	Plaintiffs	603	5
12b	11-19-2018	Hyun Kyun (Gyoon) Choi	Cross	Defendants	604	5
12c	11-19-2018	Hyun Kyun (Gyoon) Choi	Re-Direct	Plaintiffs	604	5
13a	11-19-2018	Jeong Eun Park	Direct	Plaintiffs	605	5
13b	11-19-2018	Jeong Eun Park	Cross	Defendants	607	5
13c	11-19-2018	Jeong Eun Park	Re-Direct	Plaintiffs	608	5
14a	11-19-2018	Se Chan Lee	Direct	Plaintiffs	714	5
14b	11-19-2018	Se Chan Lee	Cross	Defendants	714	5
15a	11-19-2018	Christina Nguyen	Direct	Plaintiffs	715	5
16a	11-20-2018	Bong-Hoon Kim	Cross (Impeachment)	Defendants	806, 808	6
17a	11-20-2018	Sung Soo Park	Direct	Plaintiffs	825	6
17b	11-20-2018	Sung Soo Park	Cross	Defendants	825	6

Court Exh. No.	Date	Witness	Type	Played by	Trial Trans. Page	Trial Trans. Vol.
17c	11-20-2018	Sung Soo Park	Re-Direct	Plaintiffs	825	6
18a	11-26-2018	Min Sang Chang	Direct	Plaintiffs	844	7
18b	11-26-2018	Min Sang Chang	Cross	Defendants	845- 846	7
18c	11-26-2018	Min Sang Chang	Re-Direct	Plaintiffs	846	7
19a	11-26-2018	Jae Chan Lee	Direct	Plaintiffs	847	7
19b	11-26-2018	Jae Chan Lee	Cross	Defendants	847	7
20a	11-26-2018	Young Lee	Direct	Plaintiffs	852	7
21a	11-26-2018	Jae Hee Lee	Direct	Plaintiffs	853	7
22a	11-26-2018	Krith Roth	Direct	Plaintiffs	853	7
23a	11-26-2018	Sunho Kim	Direct	Plaintiffs	853	7
24a	11-26-2018	Sunny Kim	Direct	Plaintiffs	854	7
25a	11-26-2018	Kang Sik Hong	Direct	Plaintiffs	854	7
25b	11-26-2018	Kang Sik Hong	Cross	Defendants	854	7
26a	11-26-2018	Min Hwan Choi	Direct	Plaintiffs	854	7
26b	11-26-2018	Min Hwan Choi	Cross	Defendants	855	7
27a	11-27-2018	Russell Mangum	Cross (Impeachment)	Defendants	1082	8
27b	11-28-2018	Russell Mangum	Cross (Impeachment)	Defendants	1137	9
28a	11-28-2018	Young Wook Ham	Direct	Plaintiffs	1258	9
28b	11-28-2018	Young Wook Ham	Cross	Defendants	1258	9

Court Exh. No.	Date	Witness	Type	Played by	Trial Trans. Page	Trial Trans. Vol.
29a	11-28-2018	Bangwan Ku	Direct	Plaintiffs	1258	9
29b	11-28-2018	Bangwan Ku	Cross	Defendants	1259	9
29c	11-28-2018	Bangwan Ku	Re-Direct	Plaintiffs	1259	9
30a	11-28-2018	Ho Suk Lee	Direct	Plaintiffs	1259	9
30b	11-28-2018	Ho Suk Lee	Cross	Defendants	1260	9
31a	11-28-2018	Seung Yub Lee	Direct	Plaintiffs	1260	9
31b	11-28-2018	Seung Yub Lee	Cross	Defendants	1260	9
31c	11-28-2018	Seung Yub Lee	Re-Direct	Plaintiffs	1260	9
32a	11-28-2018	Dong Soo Lim	Direct	Plaintiffs	1261	9
33a	11-29-2018	Daniel Ackenberg	Cross (Impeachment)	Defendants	1328, 1334, 1345	10
34a	11-29-2018	Bo-Gyoo Kim	Cross (Impeachment)	Plaintiffs	1403	10
35a	11-29-2018	Joong Rak Lee	Direct	Defendants	1444	10
36a	11-30-2018	Joong Rak Lee	Direct	Defendants	1464	11
36b	11-30-2018	Joong Rak Lee	Cross	Plaintiffs	1464	11
37a	11-30-2018	Won Joon Lee	Direct	Defendants	1527	11
37b	12-3-2018	Won Joon Lee	Cross	Plaintiffs	1547	12
38a	12-3-2018	Won Seok Kwon	Direct	Defendants	1586	12
38b	12-3-2018	Won Seok Kwon	Cross	Plaintiffs	1586	12
39a	12-3-2018	Coby Han	Direct	Defendants	1586	12

Court Exh. No.	Date	Witness	Type	Played by	Trial Trans. Page	Trial Trans. Vol.
39b	12-3-2018	Coby Han	Cross	Plaintiffs	1587	12
40a	12-7-2018	Min Hwan Choi	Direct	Defendants	2198	16
41a	12-11-2018	Bangwan Ku	Cross (Impeachment)	Plaintiffs	2499	18
42a	12-12-2018	Alan Cox	Cross (Impeachment)	Plaintiffs	2736	19
43a	12-13-2018	Jin Woo Suh (Seo)	Direct	Plaintiffs	2870	20
43b	12-13-2018	Jin Woo Suh (Seo)	Cross	Defendants	2870	20

COURT EXHIBIT 1

KoreanNoodles

Ahn, Soo Chang (Vol. 01) - 01/12/2016
1 CLIP (RUNNING 00:02:26.502)
OPENING
SA-0112-0007713
2 SEGMENTS (RUNNING 00:02:26.502)

1. PAGE 77:13 TO 77:15 (RUNNING 00:00:08.680)

13 Can you tell me everything that
14 you remember about the discussion of a
15 price increase at that meeting.

2. PAGE 77:16 TO 79:06 (RUNNING 00:02:17.822)

16 A. Concerning price increase, I
17 believe that in the beginning, executives
18 from Ottogi and Yakult asked the questions
19 to Mr. Yoon concerning price increase.
20 And Mr. Yoon responded that the
21 negotiation is being taken place, and so I
22 said that "Considering the inflation, the
23 price increase should be at least
24 double-digit. What do you think about
25 that?"

00078:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY

02 And Mr. Yoon responded to my
03 comment that "I have never seen the
04 double-digit increase in the past, and I
05 think double-digit increase might be too
06 much. Don't you think?" I remember him
07 saying that.

08 And then Ottogi and Yakult sides
09 also stated that "We need to have at least
10 double-digit increase to cover our cost."
11 And Nongshim -- Mr. Yoon stated that -- as
12 far as I recall, he looked at the Ottogi
13 side and saying that I received assistance
14 request from an employee that this area in
15 the statement I referred to as XX. In
16 this area, the selling price went down
17 substantially. So our employee request
18 for assistance.

19 Then the executive from Ottogi
20 stated that, Well, I received a report
21 about that, and the report that I received
22 was that it was the response or
23 countermeasure because Nongshim was
24 selling very low. And then Mr. Yoon
25 stated that you have to set the -- you

00079:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY

02 have to set at a proper price to generate
03 profit. If you can sell it too low, then
04 it doesn't help anybody. And I believe
05 that this topic concluded at that point.
06 That's what I recall.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:02:26.502)

COURT EXHIBIT 2

KoreanNoodles

Seo, Jin Woo (Vol. 01) - 01/21/2016

1 CLIP (RUNNING 00:01:09.113)

As I understand it, the market ...

JS-0121-0001419

1 SEGMENT (RUNNING 00:01:09.113)



1. PAGE 14:19 TO 15:06 (RUNNING 00:01:09.113)


19 Q. As I understand it, the market
20 research team was disbanded in September
21 of 2008.
22 Is that your recollection?
23 A. Yes. That's correct.
24 Q. And why did the market research
25 team get disbanded, from your perspective?
00015:01
02 A. It was not possible to conduct
03 the task that is the most important one,
04 which is to collect information from --
05 about competitors and exchange
06 information.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:01:09.113)

COURT EXHIBIT 3

Case Clip(s) Detailed Report
 Tuesday, November 13, 2018, 10:41:20 PM

In Re Korean Ramen v3

 **Ahn, Soo chang (Vol. 02) - 01/13/2016**

1 CLIP (RUNNING 00:01:26.277)



The next question is about your ...

SA-0113-0003120

4 SEGMENTS (RUNNING 00:01:26.277)



1. PAGE 31:20 TO 31:25 (RUNNING 00:00:15.852)

20 Q. The next question is about your
 21 meaning of the word "negotiation" or
 22 "negotiations" where you used it in your
 23 testimony yesterday. Please listen while
 24 I read a short bit of your testimony, and
 25 then I will ask my question.

2. PAGE 32:02 TO 32:18 (RUNNING 00:00:46.564)

02 A. Yes.
 03 Q. Yesterday, in response to
 04 questioning by plaintiffs' counsel about
 05 the March 28, 2001, Ramen assembly
 06 meeting, you testified as follows, and
 07 this is at page 68, lines 3 to 11.
 08 You testified, "I believe
 09 Mr. Yoon received a question regarding
 10 price-related negotiations."
 11 Ask then the lawyer asks:
 12 "QUESTION: And do you recall?
 13 Do you recall Mr. Yoon's response?"
 14 Then you answer, "If I remember
 15 correctly, I believe Mr. Dong Gyun
 16 Yoon answered, 'Yes. Negotiation is
 17 being taking place. Please wait and
 18 see what happens.'"

3. PAGE 32:19 TO 32:23 (RUNNING 00:00:17.539)

19 So with that in mind, in the
 20 part of your testimony I just read,
 21 the negotiation you were referring to
 22 was the negotiation with the
 23 government; correct?

4. PAGE 32:24 TO 33:02 (RUNNING 00:00:06.322)

24 A. That is correct. That refers to
 25 the negotiation between Nongshim and the
 00033:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 government.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:01:26.277)

COURT EXHIBIT 4a

Case Clip(s) Detailed Report

Luttway

Friday, November 16, 2018, 5:23:01 PM

Case Clip(s) Detailed Report
Friday, November 16, 2018, 5:23:01 PM

Luttway

Luttway, David (Vol. 01) - 04/26/2016

1 CLIP (RUNNING 00:00:13.760)

No, but I would say at least once a quarter. ...

DL-0426-0007905

1 SEGMENT (RUNNING 00:00:13.760)



1. PAGE 79:05 TO 79:10 (RUNNING 00:00:13.760)

05 A No, but I would say at least once a quarter.
06 Q Do you know if Nongshim gave discounts to
07 your competitors --
08 A Yes.
09 Q -- during that same time period?
10 A Yes.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:00:13.760)

COURT EXHIBIT 4b

Case Clip(s) Detailed Report

Luttway

Friday, November 16, 2018, 5:24:05 PM

Case Clip(s) Detailed Report
Friday, November 16, 2018, 5:24:05 PM

Luttway

Luttway, David (Vol. 01) - 04/26/2016

1 CLIP (RUNNING 00:00:30.050)

For 2001 to 2010, did Ramen Products sold by ...

DL-0426-0008421-001

1 SEGMENT (RUNNING 00:00:30.050)



1. PAGE 84:21 TO 85:05 (RUNNING 00:00:30.050)

21 For 2001 to 2010, did Ramen Products sold by
22 PITCO receive a 15 percent markup?
23 A The markup --
24 MS. SWEENEY: Objection; overbroad.
25 THE WITNESS: The markup is different. The
00085:01 answer is no, and the answer is, it varied
02 substantially. Sometimes it was lower. Sometimes it
03 was higher, depending on if it's cash and carry,
04 delivery, special promotion, competitive issues,
05 seasonality.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:00:30.050)

COURT EXHIBIT 5a

Case Clip(s) Detailed Report

Luu

Friday, November 16, 2018, 5:17:59 PM

Case Clip(s) Detailed Report
Friday, November 16, 2018, 5:17:59 PM

Luu

Luu, Quyen (Vol. 01) - 11/06/2018 [Andy Luu]

1 CLIP (RUNNING 00:00:39.410)

But at Vin Luu's deposition he said that ...

QL-1106-0004907

1 SEGMENT (RUNNING 00:00:39.410)



1. PAGE 49:07 TO 49:18 (RUNNING 00:00:39.410)

07 Q. But at Vin Luu's deposition he said that
08 Rockman did ask for discounts. So was he wrong when
09 he said that?
10 A. Well, he asked for price decrease because
11 we have a competitor that selling cheaper.
12 Q. So when Rockman during the relevant time
13 period would hear that one of its competitors was
14 selling Nongshim products for a lower price, Rockman
15 would request a price decrease from Nongshim; is
16 that right?
17 A. Right. We file a lot of complaint but
18 never have -- it's just no negotiation.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:00:39.410)

COURT EXHIBIT 5b

Case Clip(s) Detailed Report

Luu

Friday, November 16, 2018, 5:18:57 PM

Case Clip(s) Detailed Report
Friday, November 16, 2018, 5:18:57 PM

Luu

Luu, Quyen (Vol. 01) - 11/06/2018 [Andy Luu]

1 CLIP (RUNNING 00:00:08.910)

In all of your experience at Rockman, has ...

QL-1106-0008225

1 SEGMENT (RUNNING 00:00:08.910)



1. PAGE 82:25 TO 83:03 (RUNNING 00:00:08.910)

25 Q. In all of your experience at Rockman, has
00083:01 the buyer ever given you written proof of what a
02 competitor was charging them?
03 A. Through my time? Yes.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:00:08.910)

COURT EXHIBIT 6a

Case Clip(s) Detailed Report
 Sunday, November 18, 2018, 10:49:11 AM

KoreanNoodles

 **Luu, Vinh (Vol. 01) - 04/26/2016**

1 CLIP (RUNNING 00:05:46.019)



LUUVINH-0426

27 SEGMENTS (RUNNING 00:05:46.019)



1. PAGE 8:17 TO 8:19 (RUNNING 00:00:11.082)

17 VINH LUU,
 18 having been first duly sworn, was
 19 examined and testified as follows:

2. PAGE 8:24 TO 9:04 (RUNNING 00:00:18.080)

24 Q. Good morning. Will you state your full
 25 name and address for the record, please.
 00009:01 A. Vinh Luu, V-I-N-H, L-U-U. Address, 1175
 02 Crest Haven Way, Monterey Park.
 03 Q. And do you go by any other names?
 04 A. Vincent Luu.

3. PAGE 17:12 TO 17:25 (RUNNING 00:00:37.774)

12 Q. Okay. Let's start with just a little bit
 13 of background about yourself, Mr. Luu.
 14 Who is your current employer?
 15 A. Rockman Company U.S.A., Inc.
 16 Q. And how long have you been employed by
 17 Rockman?
 18 A. Since 1986.
 19 Q. Where was Rockman located when you began
 20 employment there in 1986?
 21 A. Vernon. City of Vernon.
 22 Q. And then it moved to --
 23 A. To City of Commerce.
 24 Q. City of Commerce. When about was that?
 25 A. Right now is Santa Fe Springs.

4. PAGE 18:19 TO 18:21 (RUNNING 00:00:06.489)

19 Q. And what is your position with Rockman
 20 today?
 21 A. General manager and CFO.

5. PAGE 30:11 TO 30:14 (RUNNING 00:00:18.382)

11 What line of business is Rockman in? What
 12 kind of a business is it?
 13 A. We are importer and distributor of mostly
 14 Asian foodstuff and we import from Asia mostly.

6. PAGE 30:19 TO 30:24 (RUNNING 00:00:12.682)

19 Q. And you import these foods and then you
 20 resell them to customers?
 21 A. Yes.
 22 Q. Okay. And what types of customers does
 23 Rockman have?
 24 A. We have mostly retail, like supermarkets.

7. PAGE 30:25 TO 31:03 (RUNNING 00:00:08.060)

25 Q. Do you sell to other wholesalers?
 00031:01 A. Yes.
 02 Q. Okay. In the United States?
 03 A. Yes.

Case Clip(s) Detailed Report

Sunday, November 18, 2018, 10:49:11 AM

KoreanNoodles**8. PAGE 32:07 TO 32:11 (RUNNING 00:00:12.485)**

07 Q. And within the United States, do you sell
 08 products that you import from Asian countries
 09 throughout the United States or are there specific
 10 geographic regions that you sell?

11 A. Throughout the United States.

9. PAGE 36:06 TO 36:11 (RUNNING 00:00:17.962)

06 Q. You have stated that the ramen product as
 07 defined are categorized under instant noodles within
 08 Rockman. So my question is, what portion of your
 09 sales are accounted for by instant noodles? Let's
 10 start there.

11 A. I would say 40 percent.

10. PAGE 36:24 TO 37:04 (RUNNING 00:00:19.086)

24 Q. What -- who was your company's top
 25 suppliers of instant noodle products?

00037:01 A. Nongshim.

02 Q. Nongshim. And approximately what
 03 percentage of your instant noodle products are
 04 imported or provided -- purchased from Nongshim?

11. PAGE 37:06 TO 37:06 (RUNNING 00:00:02.550)

06 THE WITNESS: I would say 15 percent.

12. PAGE 39:16 TO 39:22 (RUNNING 00:00:14.162)

16 Q. Do you understand that there are --
 17 there's a Nongshim entity in Korea and Nongshim
 18 entity in the U.S.A.?

19 A. Yes.

20 Q. Okay. And did Rockman purchase from both
 21 of those entities?

22 A. Yes.

13. PAGE 40:17 TO 40:23 (RUNNING 00:00:24.891)

17 Q. When Nongshim started its -- when its
 18 Rancho Cucamonga facility opened in 2005, and you
 19 were able to buy from Nongshim America at that time,
 20 did you also purchase from Nongshim Korea?

21 A. I think at the time everything should go
 22 through Nongshim America. We -- we did buy some
 23 product made in Korea.

14. PAGE 48:07 TO 48:12 (RUNNING 00:00:13.852)

07 Q. So did you determine what products would
 08 be purchased?

09 A. Yes.

10 Q. And how did you make that determination?

11 A. We just purchased what we need. Like
 12 inventory is low, then I purchase.

15. PAGE 49:21 TO 49:22 (RUNNING 00:00:04.502)

21 Q. And when do you decide that an order needs
 22 to be placed?

16. PAGE 49:24 TO 49:24 (RUNNING 00:00:01.976)

24 THE WITNESS: When inventory is low.

17. PAGE 75:25 TO 76:02 (RUNNING 00:00:13.415)

25 MS. GOODWIN: I would like to mark as
 00076:01 Exhibit 1055 a document Bates labeled ROK 00011 to

Case Clip(s) Detailed Report
 Sunday, November 18, 2018, 10:49:11 AM

KoreanNoodles

02 000012.

18. PAGE 76:14 TO 76:23 (RUNNING 00:00:16.455)

14 Q. I will represent to you that this document
 15 was produced by Rockman from its files. Have you
 16 seen this type of document before?

17 A. Yes.

18 Q. What is it?

19 A. This is notice of price increase from
 20 Nongshim.

21 Q. Okay. And who within Rockman would
 22 receive this type of document?

23 A. Me.

19. PAGE 103:25 TO 104:02 (RUNNING 00:00:14.405)

25 Q. In the relevant time period, do you recall
 00104:01 how often the price of Nongshim instant ramen noodle
 02 prices were increased?

20. PAGE 104:04 TO 104:04 (RUNNING 00:00:01.977)

04 THE WITNESS: Six or seven times.

21. PAGE 107:04 TO 107:06 (RUNNING 00:00:12.472)

04 Q. What about the quality of the product?
 05 Was that something that you considered when deciding
 06 whether to buy a particular ramen noodle product?

22. PAGE 107:08 TO 107:15 (RUNNING 00:00:14.658)

08 THE WITNESS: Actually, all quality of
 09 them are good. Even Korea or Thailand, most of the
 10 brand that we choose.

11 BY MS. GOODWIN:

12 Q. Okay. So the quality is -- how about the
 13 taste? Are they similar?

14 A. Totally different.

15 Q. Totally different.

23. PAGE 107:18 TO 107:21 (RUNNING 00:00:13.216)

18 Q. How are they different?

19 A. Flavoring. Dependent, like Korean -- the
 20 Chinese may like more of Korean noodle and
 21 Vietnamese like Vietnamese noodle.

24. PAGE 108:06 TO 108:08 (RUNNING 00:00:06.977)

06 Q. What are the differences between the
 07 Vietnamese noodle flavors and the Korean noodle
 08 flavors?

25. PAGE 108:10 TO 108:10 (RUNNING 00:00:01.942)

10 THE WITNESS: Korean more spicy.

26. PAGE 109:20 TO 109:25 (RUNNING 00:00:19.922)

20 Q. And when -- to talk specifically about the
 21 price increase, notifications from Nongshim that you
 22 would receive and that we looked at samples of
 23 earlier, when you received such a document, would
 24 you have discussion with Nongshim about the price
 25 increase that was alluded to in those documents?

27. PAGE 110:02 TO 110:05 (RUNNING 00:00:06.565)

02 THE WITNESS: No.

03 BY MS. GOODWIN:

Case Clip(s) Detailed Report

Sunday, November 18, 2018, 10:49:11 AM

KoreanNoodles

04 Q. And why not?
05 A. I think it is I cannot change anything.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:05:46.019)

COURT EXHIBIT 6b

Case Clip(s) Detailed Report
 Tuesday, November 13, 2018, 1:27:43 PM

In Re Korean Ramen v3

 **Luu, Vinh (Vol. 01) - 04/26/2016**

13 CLIPS (RUNNING 00:05:58.823)



You have stated that the ramen product as ...

VL-0426-0003606

1 SEGMENT (RUNNING 00:00:37.632)



1. PAGE 36:06 TO 36:16 (RUNNING 00:00:37.632)

06 Q. You have stated that the ramen product as
 07 defined are categorized under instant noodles within
 08 Rockman. So my question is, what portion of your
 09 sales are accounted for by instant noodles? Let's
 10 start there.
 11 A. I would say 40 percent.
 12 Q. Okay. And the remaining 60 percent of
 13 your sales are accounted for by what types of
 14 products?
 15 A. The rest are like -- we have about -- more
 16 than 500 items so the rest of them is that. Yeah.



Nongshim. And approximately what ...

VL-0426-0003702

2 SEGMENTS (RUNNING 00:00:10.381)



1. PAGE 37:02 TO 37:04 (RUNNING 00:00:08.465)

02 Q. Nongshim. And approximately what
 03 percentage of your instant noodle products are
 04 imported or provided -- purchased from Nongshim?

2. PAGE 37:06 TO 37:06 (RUNNING 00:00:01.916)

06 THE WITNESS: I would say 15 percent.



And the other -- what is that math -- 85? ...

VL-0426-0003708

1 SEGMENT (RUNNING 00:00:25.416)



1. PAGE 37:08 TO 37:13 (RUNNING 00:00:25.416)

08 Q. And the other -- what is that math -- 85?
 09 A. Yes.
 10 Q. 85 percent? The other 85 percent of your
 11 ramen product comes from different suppliers?
 12 A. 85 out of 40, right. So total sales is 40
 13 percent of instant ramen.



Right. ...

VL-0426-0003714

1 SEGMENT (RUNNING 00:00:36.136)



1. PAGE 37:14 TO 38:03 (RUNNING 00:00:36.136)

14 Q. Right.
 15 A. So it's 25 percent left. We have 5 -- the
 16 other is 25 percent.
 17 Q. Okay.

Case Clip(s) Detailed Report
 Tuesday, November 13, 2018, 1:27:43 PM

In Re Korean Ramen v3

18 MR. STRIMLING: What he was saying is
 19 15 percent of all --
 20 THE WITNESS: Instant noodle.
 21 BY MS. GOODWIN:
 22 Q. Of the instant noodles. Not 15 -- okay.
 23 15 percent of the 40 percent.
 24 A. Yes.
 25 Q. Understood. And the remainder of the
 00038:01 40 percent is the other -- are other --
 02 A. Other instant noodle.
 03 Q. -- instant noodle suppliers.



And can you -- can you provide me with a ...

VL-0426-0003804

1 SEGMENT (RUNNING 00:00:09.405)



1. PAGE 38:04 TO 38:07 (RUNNING 00:00:09.405)

04 And can you -- can you provide me with a
 05 list of what some of your other instant noodle
 06 suppliers are?
 07 A. Paldo.



Do you recall what percentage of the ...

VL-0426-0003808

2 SEGMENTS (RUNNING 00:00:14.351)



1. PAGE 38:08 TO 38:10 (RUNNING 00:00:10.793)

08 Q. Do you recall what percentage of the
 09 ramen -- the instant noodle products Paldo provided
 10 for Rockman?

2. PAGE 38:12 TO 38:13 (RUNNING 00:00:03.558)

12 THE WITNESS: I guess 5 percent of the
 13 instant noodle.



And other suppliers of instant noodles for ...

VL-0426-0003815

1 SEGMENT (RUNNING 00:00:04.577)



1. PAGE 38:15 TO 38:17 (RUNNING 00:00:04.577)

15 Q. And other suppliers of instant noodles for
 16 ramen would be?
 17 A. From Thailand.



Okay. What -- and we have already talked ...

VL-0426-0006101

3 SEGMENTS (RUNNING 00:01:15.326)



1. PAGE 61:01 TO 61:08 (RUNNING 00:00:30.113)

00061:01 Q. Okay. What -- and we have already talked
 02 about the Korean ramen noodle products falling under
 03 that meaning during the relevant period from
 04 Nongshim and from Paldo.
 05 What other ramen products fall into

Case Clip(s) Detailed Report
 Tuesday, November 13, 2018, 1:27:43 PM

In Re Korean Ramen v3

06 Rockman's instant noodle category? We have already
 07 talked about countries, right now I'm looking for
 08 more different companies and brands.

2. PAGE 61:11 TO 61:15 (RUNNING 00:00:18.858)

11 THE WITNESS: Mama product from Thailand.
 12 Mama, M-A-M-A. And there's one from Vietnam.
 13 BY MS. GOODWIN:
 14 Q. Okay. Which is the one from Vietnam?
 15 A. Binh Tay, B-I-N-H, T-A-Y.

3. PAGE 61:16 TO 61:24 (RUNNING 00:00:26.355)

16 Q. And what others?
 17 A. I don't recall them.
 18 Q. Okay. Does Rockman make any instant
 19 noodle products?
 20 A. We don't make, but we may have the --
 21 somebody make for us under OEM brand.
 22 Q. And would that fall under the instant
 23 noodle product category?
 24 A. Yes.



So you would get invoices and then add ...

VL-0426-0008603

2 SEGMENTS (RUNNING 00:00:24.931)



1. PAGE 86:03 TO 86:04 (RUNNING 00:00:06.817)

03 Q. So you would get invoices and then add
 04 sometimes discounts to those invoices?

2. PAGE 86:06 TO 86:10 (RUNNING 00:00:18.114)

06 THE WITNESS: Must be -- must be a
 07 promotion before, like salesman come back -- come to
 08 us and said this time we have 10 percent discount.
 09 You just order and then deduct 10 percent after when
 10 you pay.



And in what -- what occasions would you ...

VL-0426-0008701

2 SEGMENTS (RUNNING 00:00:32.138)



1. PAGE 87:01 TO 87:03 (RUNNING 00:00:10.190)

00087:01 Q. And in what -- what occasions would you
 02 request a discount from Nongshim America or Nongshim
 03 Korea before receiving an invoice?

2. PAGE 87:05 TO 87:12 (RUNNING 00:00:21.948)

05 THE WITNESS: Not from Nongshim Korea.
 06 BY MS. GOODWIN:
 07 Q. Okay. For Nongshim America?
 08 A. Nongshim America I might -- if I buy some
 09 other supplier -- I mean wholesaler, sell cheaper,
 10 then I will talk to the salesman and see if they can
 11 get us discount to -- to match the price or
 12 something.

Case Clip(s) Detailed Report
 Tuesday, November 13, 2018, 1:27:43 PM

In Re Korean Ramen v3



To supermarkets. Okay. So when you said, ...

VL-0426-0008901

2 SEGMENTS (RUNNING 00:00:47.897)



1. PAGE 89:01 TO 89:12 (RUNNING 00:00:33.720)

00089:01 Q. To supermarkets. Okay. So when you said,
 02 please correct me because this is what my
 03 understanding was of your testimony, that you would
 04 reach out to Nongshim America and request a discount
 05 in some circumstances and that one of those
 06 circumstances would be when you found out from a
 07 wholesaler that it was getting a certain price and
 08 then you would ask Nongshim America for that same
 09 price. But I may be misstating that, so can you
 10 please clarify for me what circumstances you would
 11 reach out to Nongshim America and request a
 12 discount.

2. PAGE 89:15 TO 89:20 (RUNNING 00:00:14.177)

15 THE WITNESS: Usually when we found out
 16 other wholesalers sell to the same customer that we
 17 sold cheaper price.
 18 BY MS. GOODWIN:
 19 Q. And how did you find that out?
 20 A. The customer just let us know.



We saw a -- we discussed earlier two ...

VL-0426-0009510

1 SEGMENT (RUNNING 00:00:26.841)



1. PAGE 95:10 TO 95:18 (RUNNING 00:00:26.841)

10 We saw a -- we discussed earlier two
 11 different ways in which Rockman would sometimes get
 12 discounts. One would be if a Nongshim salesperson
 13 offered it to you and another would be if you
 14 reached out to Nongshim, and the one circumstance
 15 that we discussed earlier is when you may hear from
 16 a retailer that they are getting charged lower
 17 prices by another wholesaler. Correct?
 18 A. Correct.



And what were the ranges of percentages of ...

VL-0426-0009705

2 SEGMENTS (RUNNING 00:00:13.792)



1. PAGE 97:05 TO 97:07 (RUNNING 00:00:08.370)

05 Q. And what were the ranges of percentages of
 06 discounts that Nongshim would apply to invoices of
 07 its products?

2. PAGE 97:09 TO 97:10 (RUNNING 00:00:05.422)

09 THE WITNESS: 5 percent to I guess
 10 12 percent.

TOTAL: 13 CLIPS FROM 1 DEPOSITIONS (RUNNING 00:05:58.823)

COURT EXHIBIT 6c

Case Clip(s) Detailed Report
Sunday, November 18, 2018, 10:48:39 AM

KoreanNoodles

 **Luu, Vinh (Vol. 01) - 04/26/2016**

1 CLIP (RUNNING 00:00:24.517)

 Luu Redirect

VL042616RD

1 SEGMENT (RUNNING 00:00:24.517)



1. PAGE 86:18 TO 86:25 (RUNNING 00:00:24.517)

18 Q. Okay. Would you ever propose or request a
19 discount from Nongshim America or Nongshim Korea
20 after receiving an invoice?
21 A. Oh, after?
22 Q. Yes.
23 A. No.
24 Q. Or before receiving an invoice?
25 A. Before, rarely, but yes.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:00:24.517)

COURT EXHIBIT 7a

Case Clip(s) Detailed Report
 Sunday, November 18, 2018, 10:49:29 AM

KoreanNoodles

 **Park, Keun Kevin (Vol. 01) - 03/15/2016**

1 CLIP (RUNNING 00:18:25.193)



PARKKEUNKEVIN-0315 100 SEGMENTS (RUNNING 00:18:25.193)



1. PAGE 9:01 TO 9:02 (RUNNING 00:00:08.038)

00009:01 AERYONG KIM,
 02 was duly sworn to act as English/Korean interpreter.

2. PAGE 9:04 TO 9:06 (RUNNING 00:00:07.025)

04 KEUN "KEVIN" PARK,
 05 having been first duly sworn, was examined and
 06 testified as follows:

3. PAGE 9:04 TO 9:06 (RUNNING 00:00:01.613)

04 KEUN "KEVIN" PARK,
 05 having been first duly sworn, was examined and
 06 testified as follows:

4. PAGE 11:09 TO 11:10 (RUNNING 00:00:02.645)

09 Q Okay. Mr. Park, who is your current
 10 employer?

5. PAGE 11:11 TO 11:11 (RUNNING 00:00:04.924)

11 A Plaza Market, The Plaza Market.

6. PAGE 11:12 TO 11:13 (RUNNING 00:00:03.348)

12 Q And for how long have you been employed by
 13 The Plaza Market?

7. PAGE 11:14 TO 11:14 (RUNNING 00:00:04.929)

14 A It's been 15 years and 6 months.

8. PAGE 11:15 TO 11:16 (RUNNING 00:00:04.576)

15 Q And what was your position when you first
 16 began at The Plaza Market?

9. PAGE 11:17 TO 11:17 (RUNNING 00:00:03.490)

17 A Assistant manager.

10. PAGE 11:18 TO 11:19 (RUNNING 00:00:02.534)

18 Q Okay. And what is your current position
 19 today?

11. PAGE 11:20 TO 11:20 (RUNNING 00:00:02.654)

20 A General manager.

12. PAGE 11:24 TO 11:25 (RUNNING 00:00:05.388)

24 Q Okay. And at what point did you go from
 25 being an assistant manager to general manager?

13. PAGE 12:01 TO 12:04 (RUNNING 00:00:15.977)

00012:01 A I don't have the exact date in mind, but I
 02 think I probably became general manager
 03 approximately eight months after serving as

Case Clip(s) Detailed Report
Sunday, November 18, 2018, 10:49:29 AM

KoreanNoodles

04 assistant manager.

14. PAGE 18:06 TO 18:08 (RUNNING 00:00:10.292)

06 Q So then would it be correct to say that you
07 became the general manager in or around 2002 or
08 2001?

15. PAGE 18:09 TO 18:10 (RUNNING 00:00:06.961)

09 A It would be in the time frame of 2002, as I
10 recall.

16. PAGE 19:02 TO 19:03 (RUNNING 00:00:03.108)

02 Q Okay. So my question is, is there anyone
03 else that you reported to?

17. PAGE 19:04 TO 19:04 (RUNNING 00:00:04.881)

04 A Probably the president of the company.

18. PAGE 19:05 TO 19:05 (RUNNING 00:00:02.072)

05 Q And what's the name of the president?

19. PAGE 19:06 TO 19:06 (RUNNING 00:00:10.327)

06 A First name Myung. Last name Yang, Y-a-n-g.

20. PAGE 27:18 TO 27:19 (RUNNING 00:00:08.829)

18 Q And when you first started at The Plaza
19 Market, was your clientele mostly Korean-Americans?

21. PAGE 27:20 TO 27:21 (RUNNING 00:00:10.553)

20 A Yes, that is my recollection, that the --
21 most of the market's clientele are Korean-Americans.

22. PAGE 27:22 TO 27:23 (RUNNING 00:00:04.736)

22 Q But you also did have non-Korean-American
23 customers, correct?

23. PAGE 27:24 TO 27:25 (RUNNING 00:00:10.572)

24 A Yes, we did, as far as I recall. We still do
25 have non-Korean-American customers.

24. PAGE 28:12 TO 28:13 (RUNNING 00:00:05.039)

12 Q And for how long was The Plaza Market in
13 business when you joined the company?

25. PAGE 28:14 TO 28:17 (RUNNING 00:00:25.221)

14 A I'm not exactly sure, but as far as I
15 understand, The Plaza Market opened and was formed
16 around 1988 or '89. So 2001 minus, that would be
17 the answer, or approximately 13 years.

26. PAGE 28:24 TO 28:25 (RUNNING 00:00:04.594)

24 Q When you became the general manager, how did
25 your duties change?

27. PAGE 29:01 TO 29:02 (RUNNING 00:00:12.058)

00029:01 A By that time, I was generally responsible for
02 overall things of the market.

28. PAGE 29:03 TO 29:03 (RUNNING 00:00:02.779)

03 Q Were you still responsible for purchasing?

Case Clip(s) Detailed Report
Sunday, November 18, 2018, 10:49:29 AM

KoreanNoodles

29. PAGE 29:04 TO 29:08 (RUNNING 00:00:23.219)

04 A Yes, I was involved in that, meaning for
05 grocery section, I talked with grocery people,
06 specifically with grocery manager, and likewise for
07 other departments, fish and meat and other sections,
08 as well.

30. PAGE 45:02 TO 45:03 (RUNNING 00:00:10.225)

02 Q Mr. Park, when you joined The Plaza Market,
03 did The Plaza Market already carry ramen products?

31. PAGE 45:04 TO 45:04 (RUNNING 00:00:05.925)

04 A Yes, it did, to my recollection.

32. PAGE 45:05 TO 45:07 (RUNNING 00:00:12.918)

05 Q And do you recall which ramen products The
06 Plaza Market sold? And I'm talking about at the
07 time that you started at The Plaza Market.

33. PAGE 45:08 TO 45:11 (RUNNING 00:00:24.454)

08 A As to that, I can't recall exactly, because
09 that's ten-plus years ago. But as far as I can
10 recall at this moment, I remember the market carried
11 all well-known Korean ramen products.

34. PAGE 53:23 TO 53:25 (RUNNING 00:00:08.625)

23 Q Okay. From the time period 2005 to 2010, did
24 The Plaza purchase ramen products directly from
25 Ottogi America?

35. PAGE 54:01 TO 54:04 (RUNNING 00:00:13.210)

00054:01 A Yes, it did, to my recollection. I clearly
02 remember as to that, although I don't specifically
03 remember what time frame it was between 2005 and
04 2010.

36. PAGE 115:02 TO 115:03 (RUNNING 00:00:05.504)

02 Q When did Plaza first contemplate bringing a
03 suit against defendants?

37. PAGE 115:04 TO 115:05 (RUNNING 00:00:11.592)

04 A Although I don't exactly remember, I think it
05 would have been probably around the 2013 time frame.

38. PAGE 115:18 TO 115:19 (RUNNING 00:00:04.268)

18 Q What prompted Plaza to begin contemplating
19 bringing this lawsuit?

39. PAGE 115:20 TO 115:23 (RUNNING 00:00:28.867)

20 A It's my understanding that the fact that
21 there was a collusion to fix prices in Korea was
22 discovered. And then we eventually thought that
23 said fact would eventually impact the U.S. market.

40. PAGE 116:04 TO 116:05 (RUNNING 00:00:03.098)

04 Q Are you familiar with the Korean Fair Trade
05 Commission?

41. PAGE 116:06 TO 116:06 (RUNNING 00:00:05.972)

06 A Yes, I am familiar with what they do.

Case Clip(s) Detailed Report
Sunday, November 18, 2018, 10:49:29 AM

KoreanNoodles

42. PAGE 116:07 TO 116:09 (RUNNING 00:00:06.631)

07 Q Are you familiar with the Korean Fair Trade
08 Commission's investigation into the price of ramen
09 sold in Korea?

43. PAGE 116:10 TO 116:11 (RUNNING 00:00:07.974)

10 A Yes. I became familiar with that by way of
11 the news media.

44. PAGE 116:12 TO 116:12 (RUNNING 00:00:01.995)

12 Q Do you recall what news media?

45. PAGE 116:13 TO 116:14 (RUNNING 00:00:09.314)

13 A A Korean TV program that I was watching in
14 the U.S. and also newspaper.

46. PAGE 117:02 TO 117:04 (RUNNING 00:00:09.993)

02 Q You said earlier that you thought that the
03 alleged increase of price in Korea would impact the
04 U.S. market.

47. PAGE 117:05 TO 117:05 (RUNNING 00:00:01.034)

05 A Yes.

48. PAGE 117:06 TO 117:06 (RUNNING 00:00:01.356)

06 Q Why do you think that?

49. PAGE 117:07 TO 117:10 (RUNNING 00:00:30.056)

07 A By that time, from my experience, I was aware
08 of the fact that if any product's price increases in
09 Korea, that impacts the price in the U.S. I knew
10 that from my experience.

50. PAGE 117:11 TO 117:12 (RUNNING 00:00:04.117)

11 Q And what in your experience leads you to that
12 conclusion?

51. PAGE 117:13 TO 117:17 (RUNNING 00:00:26.942)

13 A My understanding was not based on any special
14 particular experience of mine. I was basing that
15 from my common sense and other general information
16 that I had already that such would impact the U.S.
17 market price.

52. PAGE 117:18 TO 117:19 (RUNNING 00:00:04.828)

18 Q When you say "other general information,"
19 what are you referring to?

53. PAGE 117:20 TO 117:23 (RUNNING 00:00:24.615)

20 A For the most products that we carry in our
21 company, we for the most part import those products.
22 Although we don't directly input those goods, we do
23 so through our distributors.

54. PAGE 117:24 TO 118:03 (RUNNING 00:00:18.734)

24 So I thought when the prices increased in
25 Korea, the distributors would buy those products at
00118:01 an increased price, which would eventually impact
02 the end price after the products are imported into
03 the U.S.

Case Clip(s) Detailed Report
Sunday, November 18, 2018, 10:49:29 AM

KoreanNoodles

55. PAGE 119:20 TO 119:23 (RUNNING 00:00:10.227)

20 Q If -- if I say the KFTC investigation, is it
21 okay if we refer to that for the -- the
22 investigation of the Korean Fair Trade Commission
23 into the pricing of ramen products in Korea?

56. PAGE 119:24 TO 119:25 (RUNNING 00:00:10.064)

24 A Yes, yes, I would understand what you're
25 referring to if you say KFTC.

57. PAGE 120:01 TO 120:03 (RUNNING 00:00:06.396)

00120:01 Q At this 2013 meeting with the president of
02 Plaza, did you discuss -- discuss the KFTC
03 investigation?

58. PAGE 120:04 TO 120:04 (RUNNING 00:00:05.626)

04 A I remember that I did.

59. PAGE 131:23 TO 131:24 (RUNNING 00:00:07.149)

23 Q With regard to this lawsuit, who at Plaza
24 authorized the filing of this lawsuit?

60. PAGE 131:25 TO 131:25 (RUNNING 00:00:04.292)

25 A The -- the president of the company.

61. PAGE 132:01 TO 132:03 (RUNNING 00:00:08.743)

00132:01 Q And was this at the 2013 discussion that we
02 talked about earlier between you and the president
03 of Plaza?

62. PAGE 132:04 TO 132:05 (RUNNING 00:00:15.873)

04 A After that meeting, a decision was made to
05 file this lawsuit, and the attorneys were hired.

63. PAGE 144:04 TO 144:07 (RUNNING 00:00:14.672)

04 Q Do you believe that the conspiracy that's
05 been alleged to have taken place in Korea related to
06 Korean ramen pricing would impact the price of ramen
07 manufactured in the United States?

64. PAGE 144:08 TO 144:08 (RUNNING 00:00:06.412)

08 A Yes, I believe it would.

65. PAGE 144:09 TO 144:09 (RUNNING 00:00:01.905)

09 Q What leads you to that belief?

66. PAGE 144:13 TO 144:20 (RUNNING 00:00:46.379)

13 THE WITNESS: I would have to repeat my
14 earlier answer, which has to do with my common
15 sense. I still believe, based on my belief, that
16 when the price increase in Korea by way of
17 collusion, it would eventually, as a result, impact
18 the price that are supply to the -- price of goods
19 supplied to the U.S. and the price of goods that are
20 purchased by the consumers.

67. PAGE 144:22 TO 145:01 (RUNNING 00:00:16.624)

22 Q What in your common sense leads you to
23 believe that alleged collusion over prices in Korea
24 would improperly raise the price of ramen product

Case Clip(s) Detailed Report
Sunday, November 18, 2018, 10:49:29 AM

KoreanNoodles

25 manufactured in the United States as opposed to
00145:01 imported from Korea?

68. PAGE 145:02 TO 145:08 (RUNNING 00:00:40.612)

02 A Oh, I am aware of this fact that, generally
03 speaking, if anything -- the price is increased in
04 Korea, including the price of ramen, then that would
05 eventually lead to the increase of price of products
06 in the U.S. I know that from my past experience.
07 And if such thing happens by way of price fixing
08 collusion, then I don't think it's proper.

69. PAGE 145:11 TO 145:12 (RUNNING 00:00:02.940)

11 What from your past experience leads you to
12 that belief?

70. PAGE 145:13 TO 145:17 (RUNNING 00:00:35.092)

13 A It's general knowledge that typically when
14 distributors offer any increase or high price to us,
15 that is on account of the price for goods that they
16 get from Korea that is high, which is generally due
17 to increasing price of raw materials and whatnot.

71. PAGE 145:18 TO 145:20 (RUNNING 00:00:14.137)

18 Q Is it your understanding that ramen product
19 manufactured in the United States relies on goods
20 that are received or imported from Korea?

72. PAGE 145:23 TO 145:23 (RUNNING 00:00:03.616)

23 THE WITNESS: I think they are correlated.

73. PAGE 146:09 TO 146:09 (RUNNING 00:00:02.494)

09 Q What do you mean by they are correlated?

74. PAGE 146:10 TO 146:12 (RUNNING 00:00:18.417)

10 A I believe it's rather common sense that
11 whenever prices go up in Korea and at some point in
12 time, prices would ultimately go up in the U.S.

75. PAGE 161:13 TO 161:14 (RUNNING 00:00:04.993)

13 Q How does Plaza determine the price it charges
14 customer for ramen products?

76. PAGE 161:15 TO 161:17 (RUNNING 00:00:13.133)

15 A I think I mentioned this this morning. I
16 think I answered this, but do you want me to explain
17 again?

77. PAGE 161:18 TO 161:20 (RUNNING 00:00:05.530)

18 Q If you could. I apologize. I don't remember
19 you answering the question, and I apologize if
20 you're repeating yourself.

78. PAGE 161:21 TO 161:22 (RUNNING 00:00:12.601)

21 A We arrive at the figure by dividing the cost
22 by .7.

79. PAGE 164:12 TO 164:15 (RUNNING 00:00:19.667)

12 Q So this -- this division of 1 by .7, was that
13 something that -- was that a formula that Plaza used
14 to price its ramen products throughout the period

Case Clip(s) Detailed Report
Sunday, November 18, 2018, 10:49:29 AM

KoreanNoodles

15 from the beginning of 2001 to the end of 2010?

80. PAGE 164:18 TO 164:21 (RUNNING 00:00:19.323)

18 THE WITNESS: That is my understanding
19 excluding the year 2000 when I was not with the
20 company. But if it's from 2001 forward, that --
21 that has been the case.

81. PAGE 164:23 TO 164:24 (RUNNING 00:00:05.118)

23 Q So can you get your little calculator out
24 again.

82. PAGE 164:25 TO 165:02 (RUNNING 00:00:14.885)

25 Okay. Can you do a little math problem for
00165:01 me. When your -- when your screen comes up, can
02 you -- can you divide 1 by .7 for me, please.

83. PAGE 165:03 TO 165:03 (RUNNING 00:00:02.352)

03 A I will do so, yes.

84. PAGE 165:04 TO 165:04 (RUNNING 00:00:02.083)

04 Q And what -- what figure do you get?

85. PAGE 165:05 TO 165:05 (RUNNING 00:00:06.514)

05 A 1.4285.

86. PAGE 165:10 TO 165:13 (RUNNING 00:00:33.229)

10 Q Okay. So if -- so if a -- a product -- the
11 cost of a ramen product during that period was X
12 dollars, does that mean that Plaza would set the
13 price at X dollars plus 42.85 percent of X dollars?

87. PAGE 165:16 TO 165:17 (RUNNING 00:00:12.159)

16 THE WITNESS: 42.85? Yes, that's correct.
17 X plus 42.85.

88. PAGE 165:19 TO 165:21 (RUNNING 00:00:16.862)

19 Q So 42.85 percent was the profit margin
20 that -- that Plaza tried to get on ramen products
21 from 2001 to 2010; is that right?

89. PAGE 165:23 TO 165:23 (RUNNING 00:00:01.570)

23 THE WITNESS: That is correct.

90. PAGE 165:25 TO 166:02 (RUNNING 00:00:12.227)

25 Q Did -- did the price of some of the ramen
00166:01 products that Plaza sold during the period 2001 to
02 2010 sometimes go up?

91. PAGE 166:03 TO 166:03 (RUNNING 00:00:06.548)

03 A To my understanding, it continuously went up.

92. PAGE 166:04 TO 166:10 (RUNNING 00:00:31.593)

04 Q And did Plaza -- when -- on the occasions
05 when the price of those ramen products went up
06 during the period 2001 to 2010 and Plaza learned of
07 the increase, did Plaza then increase the prices it
08 charged its customers to make sure that it continued
09 to earn a profit margin on the ramen products of
10 42.85 percent?

Case Clip(s) Detailed Report

Sunday, November 18, 2018, 10:49:29 AM

KoreanNoodles

93. PAGE 166:13 TO 166:14 (RUNNING 00:00:12.387)

13 THE WITNESS: We tried to employ the same
14 percentage margin rate as much as possible.

94. PAGE 166:16 TO 166:19 (RUNNING 00:00:18.127)

16 Q And so when you learned of an increase in the
17 price of the ramen that was sold to you, you raised
18 your prices to your customer to preserve your profit
19 margins on that, correct?

95. PAGE 166:21 TO 166:21 (RUNNING 00:00:07.828)

21 THE WITNESS: Yes, that's the method that --

96. PAGE 166:23 TO 166:23 (RUNNING 00:00:03.296)

23 THE WITNESS: That's how we have done so far.

97. PAGE 166:25 TO 167:02 (RUNNING 00:00:08.449)

25 Q And that was done -- and that's what Plaza
00167:01 did throughout the period from 2001 to 2010 when
02 there was a price increase, correct?

98. PAGE 167:04 TO 167:08 (RUNNING 00:00:29.904)

04 THE WITNESS: As far as my knowledge goes,
05 that's true. However, as to certain items where we
06 cannot quite pick up or -- meaning catch this price
07 increase, then we would not be able to charge our
08 customers to reflect the price increase.

99. PAGE 167:09 TO 167:15 (RUNNING 00:00:24.522)

09 BY MR. PLUTZIK:
10 Q If -- if we're -- if we talk about the Korean
11 ramen products made by Ottogi -- sold by Ottogi,
12 Nongshim or Samyang, is it the case that during 2001
13 to 2010 when you got price increases for those
14 products, you increased the prices of those products
15 to your customers?

100. PAGE 167:17 TO 167:20 (RUNNING 00:00:13.994)

17 THE WITNESS: I believe that whenever we
18 determined that there was a price increase, that
19 then we tried to apply such a price increase in the
20 price that we offered to customers.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:18:25.193)

COURT EXHIBIT 7b

Ottogi

 **Park, Kevin (Vol. 01) - 03/15/2016**

1 CLIP (RUNNING 00:12:41.095)

 Kevin Park 11-12-18 Final

KEVINPARK 101 SEGMENTS (RUNNING 00:12:41.095)



1. PAGE 12:12 TO 12:13 (RUNNING 00:00:03.654)

12 Q So one of your duties would be purchasing; is
13 that correct? To make that more clear, as an

2. PAGE 12:13 TO 12:15 (RUNNING 00:00:07.490)

13 that correct? To make that more clear, as an
14 assistant manager, was one of your duties
15 purchasing?

3. PAGE 12:16 TO 12:17 (RUNNING 00:00:08.149)

16 A At the time, I did engage in work affairs
17 related to purchasing in part.

4. PAGE 30:14 TO 30:17 (RUNNING 00:00:14.843)

14 Q So would it be correct to say that for the
15 majority of the products that are sold at The Plaza
16 Market, the grocery manager and the salesperson from
17 the supplier agree on the terms of the sale?

5. PAGE 30:21 TO 30:21 (RUNNING 00:00:01.458)

21 THE WITNESS: That's right.

6. PAGE 47:14 TO 47:16 (RUNNING 00:00:10.874)

14 Q Okay. And, Mr. Park, do you recall whether
15 The Plaza Market sold any ramen products
16 manufactured or sold by Ichiban?

7. PAGE 47:17 TO 47:19 (RUNNING 00:00:09.132)

17 A I think it did, as far as I can remember,
18 because Ichiban has a long history of manufacturing
19 ramen product.

8. PAGE 48:03 TO 48:04 (RUNNING 00:00:03.084)

03 Q Okay. And -- and now I apologize again for
04 having to be repetitive. And now I'm going to focus

9. PAGE 48:04 TO 48:05 (RUNNING 00:00:04.278)

04 having to be repetitive. And now I'm going to focus
05 on 2010 time period.

10. PAGE 48:06 TO 48:08 (RUNNING 00:00:07.462)

06 Do you recall whether The Plaza Market sold
07 ramen products manufactured or sold by Nongshim at
08 that time?

11. PAGE 48:09 TO 48:10 (RUNNING 00:00:02.304)

09 A Yes, it did.
10 Q And Ottogi?

12. PAGE 48:11 TO 48:12 (RUNNING 00:00:06.453)

11 A I remember that it did for Ottogi, as well.

Ottogi

12 Q And Samyang?

13. PAGE 48:13 TO 48:14 (RUNNING 00:00:03.729)

13 A Samyang, I remember.

14 Q Okay. And Ichiban?

14. PAGE 48:15 TO 48:16 (RUNNING 00:00:03.726)

15 A Ichiban, I remember.

16 Q Okay. And Maruchan?

15. PAGE 48:17 TO 48:19 (RUNNING 00:00:04.929)

17 A I don't exactly remember, but probably so, I
18 think.

19 Q And Nissin?

16. PAGE 48:20 TO 48:20 (RUNNING 00:00:02.678)

20 A Nissin, I remember, as well.

17. PAGE 52:18 TO 52:20 (RUNNING 00:00:10.216)

18 Between the time period 2000 to 2010, did The
19 Plaza purchase any ramen products directly from
20 Samyang USA?

18. PAGE 52:21 TO 52:23 (RUNNING 00:00:07.356)

21 A Yes, it did.

22 Q Did it do so from the beginning of the time
23 period?

19. PAGE 52:24 TO 52:25 (RUNNING 00:00:04.575)

24 A Like I said before, I was not there in the
25 year 2000, so --

20. PAGE 53:02 TO 53:03 (RUNNING 00:00:07.594)

02 A -- so my answer applies to the period since I
03 joined the company.

21. PAGE 53:14 TO 53:16 (RUNNING 00:00:10.710)

14 Q Okay. And for the time period 2000 to 2010,
15 did The Plaza purchase any ramen products directly
16 from Ottogi Korea?

22. PAGE 53:17 TO 53:17 (RUNNING 00:00:00.738)

17 A No.

23. PAGE 53:18 TO 53:20 (RUNNING 00:00:09.514)

18 Q Okay. And between the time period 2000 to
19 2005, did The Plaza purchase any ramen products
20 directly from Ottogi America?

24. PAGE 53:21 TO 53:22 (RUNNING 00:00:04.785)

21 A As to that time frame, 2005, I don't exactly
22 recall.

25. PAGE 54:19 TO 54:21 (RUNNING 00:00:11.595)

19 And was there any time between 2005 to 2010
20 when The Plaza purchased Ottogi Ramen products from
21 any entity other than Ottogi America?

26. PAGE 54:22 TO 54:24 (RUNNING 00:00:12.521)

22 A Not to my recollection.

Ottogi

23 Q Mr. Park, do you know where -- from whom The
24 Plaza purchases Nongshim ramen products?

27. PAGE 54:25 TO 55:06 (RUNNING 00:00:28.812)

25 A Although I don't remember the exact beginning
00055:01 time and the ending time, related to that, I
02 remember there was a distributor by the name of
03 Woojin through which the ramen products were
04 purchased. And after Woojin either closed down his
05 business or no longer dealt in ramen products, then
06 the distributorship was -- went over to Wang.

28. PAGE 57:07 TO 57:08 (RUNNING 00:00:07.050)

07 Q Mr. Park, did The Plaza purchase Ottogi ramen
08 products before 2005?

29. PAGE 57:09 TO 57:12 (RUNNING 00:00:18.873)

09 A It probably did not, as far as I can
10 remember.
11 Q Okay. So The Plaza did not purchase any
12 Ottogi ramen products from any entity before 2005?

30. PAGE 57:13 TO 57:13 (RUNNING 00:00:02.569)

13 A I do not recall.

31. PAGE 57:16 TO 57:17 (RUNNING 00:00:05.287)

16 Do you know if Plaza purchased any Ottogi
17 ramen products from Wang?

32. PAGE 57:18 TO 57:18 (RUNNING 00:00:06.004)

18 A I don't remember that instance happening.

33. PAGE 57:19 TO 57:20 (RUNNING 00:00:09.571)

19 Q So other than Nongshim, what other ramen
20 brand products did The Plaza purchase from Wang?

34. PAGE 57:22 TO 57:24 (RUNNING 00:00:07.148)

22 THE WITNESS: It's -- it's my recollection
23 that Wang company had their own brand, and I don't
24 remember when that started, though.

35. PAGE 57:25 TO 58:01 (RUNNING 00:00:04.694)

25 I remember their brand name. It's called
00058:01 Surasang. And again, I don't remember from when

36. PAGE 58:01 TO 58:02 (RUNNING 00:00:05.542)

00058:01 Surasang. And again, I don't remember from when
02 that started to be in place.

37. PAGE 58:23 TO 58:23 (RUNNING 00:00:03.603)

23 Q And did The Plaza Market sell Surasang ramen?

38. PAGE 58:24 TO 58:25 (RUNNING 00:00:04.188)

24 A It still sells those products.
25 One moment, please.

39. PAGE 59:01 TO 59:03 (RUNNING 00:00:12.512)

00059:01 For your information, when it comes to
02 Surasang ramen, those are not individually packaged
03 ramen product but cup noodle-type ramen product.

Ottogi

40. PAGE 59:25 TO 60:01 (RUNNING 00:00:07.942)

25 Q Mr. Park, from which entity does The Plaza
00060:01 purchase jin ramen?

41. PAGE 60:02 TO 60:02 (RUNNING 00:00:03.629)

02 A From Japanese company, to my understanding.

42. PAGE 60:03 TO 60:03 (RUNNING 00:00:05.610)

03 It's either Nishimoto or JFC. I'm not exactly sure.

43. PAGE 60:13 TO 60:16 (RUNNING 00:00:18.366)

13 Q And your answer, Mr. Park, that The Plaza
14 purchased Ichiban ramen from either JFC or
15 Nishimoto, does that apply to the time period 2000
16 to 2010?

44. PAGE 60:17 TO 60:19 (RUNNING 00:00:10.884)

17 A Although I don't have the exact time period
18 in mind right now, I remember we carried Sapporo,
19 Ichiban product around that time frame.

45. PAGE 63:06 TO 63:07 (RUNNING 00:00:09.538)

06 Q Okay. Do you recall in 2005 when Ottogi
07 America was first launched?

46. PAGE 63:08 TO 63:13 (RUNNING 00:00:19.478)

08 A I don't have that specific recollection, but
09 when you mention that, I thought that's what
10 probably happened then.
11 Q Okay. And did Ottogi America come to you and
12 say we're going -- you know, we would like to start
13 supplying your store with our products?

47. PAGE 63:14 TO 63:14 (RUNNING 00:00:03.625)

14 A Yes, it did, as far as I can remember.

48. PAGE 67:15 TO 67:16 (RUNNING 00:00:03.471)

15 Q And, Mr. Park, take your time reviewing the
16 document.

49. PAGE 67:17 TO 67:17 (RUNNING 00:00:01.162)

17 A Yes.

50. PAGE 67:18 TO 67:21 (RUNNING 00:00:06.291)

18 I'm done.
19 Q Mr. Park --
20 A (In English) Yes.
21 Q -- do you recognize this document?

51. PAGE 67:22 TO 67:23 (RUNNING 00:00:06.334)

22 A Yes, I do. I think this is an invoice by
23 Wang Hanmi.

52. PAGE 87:18 TO 87:19 (RUNNING 00:00:11.360)

18 And -- but would it be fair to say that Plaza
19 likely purchased Ottogi jin ramen from Wang in 2001?

53. PAGE 87:20 TO 87:24 (RUNNING 00:00:22.674)

20 A I think that is a likelihood if this -- the
21 date of this particular invoice is 2001.

Ottogi

22 Q And would it be fair to say that the price
23 that Plaza Market paid for a box of jin ramen mild
24 was \$8.40 for a box of 20?

54. PAGE 87:25 TO 87:25 (RUNNING 00:00:02.085)

25 A Yes, that is my understanding.

55. PAGE 88:01 TO 88:02 (RUNNING 00:00:14.289)

00088:01 Q And that the price that Plaza paid for each
02 bag of jin ramen mild in 2001 was \$0.42?

56. PAGE 88:04 TO 88:05 (RUNNING 00:00:15.302)

04 THE WITNESS: Yes, that is my understanding,
05 that one box was \$8.40, yes, and that's right.

57. PAGE 92:08 TO 92:09 (RUNNING 00:00:06.758)

08 Q Okay. Do you see that the lower right-hand
09 corner shows the Bates stamp PLAZA_791?

58. PAGE 92:10 TO 92:10 (RUNNING 00:00:01.630)

10 A I do.

59. PAGE 92:18 TO 92:18 (RUNNING 00:00:01.672)

18 Do you recognize this document?

60. PAGE 92:19 TO 92:19 (RUNNING 00:00:00.742)

19 A Yes.

61. PAGE 93:01 TO 93:02 (RUNNING 00:00:07.653)

00093:01 Q And is this also an invoice from Hanmi, Inc.
02 doing business as Wang Globalnet?

62. PAGE 93:04 TO 93:04 (RUNNING 00:00:02.507)

04 THE WITNESS: Yes, that is my understanding.

63. PAGE 93:06 TO 93:08 (RUNNING 00:00:13.873)

06 Q Okay. And if you look down at the big box
07 there, does that, again, show the items that Plaza
08 purchased from Wang in or around May 7, 2004?

64. PAGE 93:10 TO 93:10 (RUNNING 00:00:02.618)

10 THE WITNESS: Yes, that's my understanding.

65. PAGE 94:15 TO 94:15 (RUNNING 00:00:02.961)

15 Q So that would be a box of 40 bags?

66. PAGE 94:16 TO 94:17 (RUNNING 00:00:06.986)

16 A Yes, that's correct.

17 Q And the unit price for that in 2004 was?

67. PAGE 94:18 TO 94:23 (RUNNING 00:00:25.590)

18 A The 20-bag box was \$8.40, like mentioned
19 before.

20 Q I think we should clarify the question.
21 So in 2004, a box of eight multi-pack jin
22 ramen, at what price did you purchase that,
23 according to the invoice?

68. PAGE 94:24 TO 95:02 (RUNNING 00:00:11.495)

24 A It was purchased at \$16.80, as far as I

Ottogi

25 understand.
 00095:01 Q Okay. And the price in the next column,
 02 "Each Price" --

69. PAGE 95:03 TO 95:04 (RUNNING 00:00:02.578)

03 A Yes.
 04 Q -- what does it show?

70. PAGE 95:05 TO 95:07 (RUNNING 00:00:08.651)

05 A It shows \$2.10.
 06 Q And that's for five bags of jin ramen; is
 07 that correct?

71. PAGE 95:08 TO 95:10 (RUNNING 00:00:08.169)

08 A Yes, five bags of jin ramen, correct.
 09 Q So can you tell me what the price would be
 10 for each bag?

72. PAGE 95:11 TO 95:11 (RUNNING 00:00:01.061)

11 A I don't know exactly. I recall -- based on

73. PAGE 95:11 TO 95:16 (RUNNING 00:00:20.270)

11 A I don't know exactly. I recall -- based on
 12 the calculation for 2001, I remember the price was
 13 \$0.42.
 14 Q Okay. So the price at which you were
 15 purchasing jin ramen in 2004 was \$0.42 per bag; is
 16 that correct?

74. PAGE 95:17 TO 95:19 (RUNNING 00:00:10.913)

17 A It was \$0.42, according to my calculation for
 18 2001. If I -- it's -- if I am to calculate again,
 19 it's \$0.42, correct.

75. PAGE 96:11 TO 96:13 (RUNNING 00:00:10.930)

11 MS. YU: Okay. And I'm marking for --
 12 marking as Exhibit 1003 a document with the Bates
 13 stamper -- Bates stamp PLAZA_2925.

76. PAGE 96:14 TO 96:14 (RUNNING 00:00:01.515)

14 THE WITNESS: Yes.

77. PAGE 96:16 TO 96:17 (RUNNING 00:00:02.857)

16 Q Mr. Park, do you recognize this -- this
 17 document?

78. PAGE 96:18 TO 96:21 (RUNNING 00:00:13.727)

18 A Yes. I understand this to be an invoice
 19 issued by Ottogi.
 20 Q So this invoice reflects Plaza's purchase
 21 directly from Ottogi America; is that correct?

79. PAGE 96:22 TO 96:24 (RUNNING 00:00:09.107)

22 A That's my understanding, yes.
 23 Q And on the upper right-hand corner, what --
 24 can you tell me what date this invoice reflects.

80. PAGE 96:25 TO 96:25 (RUNNING 00:00:04.768)

25 A I understand this to be September 23, 2005.

Ottogi

81. PAGE 97:03 TO 97:04 (RUNNING 00:00:06.412)

03 Q And in the description area, do you see the
04 third item down?

82. PAGE 97:05 TO 97:06 (RUNNING 00:00:02.987)

05 A Yes, I do, yes.
06 Q Could you please read that for me.

83. PAGE 97:07 TO 97:07 (RUNNING 00:00:01.889)

07 A "Jin ramen multi hot." In Korean, the same

84. PAGE 97:07 TO 97:08 (RUNNING 00:00:06.429)

07 A "Jin ramen multi hot." In Korean, the same
08 thing "jin ramen hot flavor, multi." And after

85. PAGE 97:08 TO 97:09 (RUNNING 00:00:02.314)

08 thing "jin ramen hot flavor, multi." And after
09 that, "120 grams." And after that, "5/8."

86. PAGE 97:09 TO 97:11 (RUNNING 00:00:14.055)

09 that, "120 grams." And after that, "5/8."
10 Q And is it your understanding that this item
11 denotes a box of 40 jin ramen products?

87. PAGE 97:12 TO 97:13 (RUNNING 00:00:04.335)

12 A That's my understanding.
13 Q Can you look at the "Unit Price" column.

88. PAGE 97:14 TO 97:15 (RUNNING 00:00:02.005)

14 A Yes.
15 Q What does it say?

89. PAGE 97:16 TO 97:19 (RUNNING 00:00:14.152)

16 A It says "\$16.80."
17 Q So -- and that's the same price at which
18 Plaza purchased this product from Wang Globalnet; is
19 that correct? According to the objection --

90. PAGE 97:25 TO 97:25 (RUNNING 00:00:01.132)

25 THE WITNESS: Yes.

91. PAGE 98:14 TO 98:15 (RUNNING 00:00:15.982)

14 So my question is, in 2004, Plaza purchased a
15 box of 40 jin ramen products at 16.80?

92. PAGE 98:16 TO 98:18 (RUNNING 00:00:04.211)

16 A Yes, that's correct --
17 Q And in 2005 --
18 A -- based on this invoice.

93. PAGE 98:19 TO 98:21 (RUNNING 00:00:12.918)

19 Q Yes, yes. And in 2005, Plaza purchased the
20 same product at the same price from Ottogi America,
21 Inc.; is that right?

94. PAGE 99:02 TO 99:06 (RUNNING 00:00:11.761)

02 THE WITNESS: I understand this to be the
03 same based on what's shown on the invoice.
04 BY MS. YU:
05 Q And based on what's shown on the invoice and

Ottogi

06 your understanding of what it says --

95. PAGE 99:07 TO 99:08 (RUNNING 00:00:05.061)

07 A Based on what's shown on this invoice, I
08 understand the prices to be the same.

96. PAGE 101:14 TO 101:14 (RUNNING 00:00:01.691)

14 Q So based on the invoice, would that be \$0.42

97. PAGE 101:14 TO 101:15 (RUNNING 00:00:02.097)

14 Q So based on the invoice, would that be \$0.42
15 per bag?

98. PAGE 101:17 TO 101:17 (RUNNING 00:00:02.724)

17 THE WITNESS: I'll have to calculate that.

99. PAGE 101:18 TO 101:21 (RUNNING 00:00:08.208)

18 Based on what's on the invoice, my
19 calculation shows \$2.10.
20 BY MS. YU:
21 Q Per five?

100. PAGE 101:22 TO 101:23 (RUNNING 00:00:03.854)

22 A Yes, for five.
23 Q So for each, would that be \$0.42?

101. PAGE 102:01 TO 102:02 (RUNNING 00:00:06.107)


00102:01 THE WITNESS: Yes. That -- that's what my
02 calculation shows.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:12:41.095)

COURT EXHIBIT 8a

Case Clip(s) Detailed Report
 Sunday, November 18, 2018, 10:46:20 AM

KoreanNoodles

 Ahn, Soo Chang (Vol. 01) - 01/12/2016

1 CLIP (RUNNING 00:54:07.612)



AHNSOOCHANG-0112

244 SEGMENTS (RUNNING 00:54:07.612)



1. PAGE 7:19 TO 7:24 (RUNNING 00:00:09.020)

19 J A C K I N O H,
 20 having first been duly sworn by
 21 Sharon Lengel, the Notary Public,
 22 interpreted from English to
 23 Korean and from Korean to English
 24 as follows:

2. PAGE 8:02 TO 8:06 (RUNNING 00:00:09.291)

02 S O O-C H A N G A H N,
 03 having first been duly sworn by
 04 Sharon Lengel, the Notary Public,
 05 was examined and testified as
 06 follows:

3. PAGE 8:02 TO 8:06 (RUNNING 00:00:01.473)

02 S O O-C H A N G A H N,
 03 having first been duly sworn by
 04 Sharon Lengel, the Notary Public,
 05 was examined and testified as
 06 follows:

4. PAGE 11:19 TO 11:21 (RUNNING 00:00:08.509)

19 Q. If I am correct, you joined
 20 Samyang Food Company Limited in 1978; is
 21 that correct?

5. PAGE 11:22 TO 11:22 (RUNNING 00:00:03.463)

22 A. Correct. '78. That's correct.

6. PAGE 11:23 TO 12:02 (RUNNING 00:00:14.731)

23 Q. You must have been very young.
 24 When you first joined Samyang
 25 Food Company Limited, what was your
 00012:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 position?

7. PAGE 12:03 TO 12:03 (RUNNING 00:00:03.447)

03 A. Just regular employee.

8. PAGE 12:04 TO 12:07 (RUNNING 00:00:14.498)

04 Q. Okay. Can you tell me just very
 05 generally how your positions changed, how
 06 you advanced through the company until
 07 about the year 2000.

9. PAGE 12:08 TO 12:19 (RUNNING 00:00:46.833)

08 A. I don't remember exact dates as
 09 to when I was promoted. Since I started
 10 working for the company in 1978 until
 11 2000, my main duty was sales-related --
 12 sales management or sales related. And

Case Clip(s) Detailed Report

Sunday, November 18, 2018, 10:46:20 AM

KoreanNoodles

13 during this period from '78 to 2000, I
 14 also worked in -- in the -- in the rural
 15 office or the branch office, not in Seoul.
 16 So I don't remember the dates, at what
 17 point I became a manager or assistance
 18 manager or director. But in 2000, I
 19 remember becoming a director.

10. PAGE 12:20 TO 12:21 (RUNNING 00:00:04.802)

20 Q. So is it fair to say that you've
 21 always worked in the sales department?

11. PAGE 12:22 TO 12:23 (RUNNING 00:00:12.028)

22 A. In lieu of sales, more like
 23 managing sales.

12. PAGE 13:10 TO 13:12 (RUNNING 00:00:16.188)

10 Q. So in approximately the year
 11 2000, you became a manager in the sales
 12 department; is that correct?

13. PAGE 13:13 TO 13:13 (RUNNING 00:00:01.595)

13 A. Correct.

14. PAGE 13:21 TO 13:22 (RUNNING 00:00:03.544)

21 Q. Do you recall in what year you
 22 became the director?

15. PAGE 13:23 TO 14:02 (RUNNING 00:00:19.362)

23 A. As far as I recall, I believe I
 24 became the head of sales division in 2007.
 25 And before that, for a brief period of
 00014:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 time, I was head of management.

16. PAGE 14:03 TO 14:05 (RUNNING 00:00:05.670)

03 Q. When you became the deputy
 04 director, were you also an officer of the
 05 company?

17. PAGE 14:06 TO 14:06 (RUNNING 00:00:01.768)

06 A. Yes. Correct.

18. PAGE 15:04 TO 15:06 (RUNNING 00:00:07.326)

04 Q. Okay. As deputy director of the
 05 sales department in the year 2000, what
 06 were your responsibilities?

19. PAGE 15:07 TO 15:13 (RUNNING 00:00:31.725)

07 A. My responsibilities as deputy
 08 director of the sales department was to
 09 assist head of sales division and monitor
 10 the sales field and supervise
 11 sales-related activities and receive
 12 reports from subordinates and report to
 13 superiors.

20. PAGE 15:19 TO 15:20 (RUNNING 00:00:03.985)

19 Q. How many employees approximately
 20 did you supervise?

Case Clip(s) Detailed Report
 Sunday, November 18, 2018, 10:46:20 AM

KoreanNoodles

21. PAGE 15:21 TO 15:22 (RUNNING 00:00:08.876)

21 A. I don't know the exact number,
 22 but several hundred.

22. PAGE 17:24 TO 17:25 (RUNNING 00:00:07.140)

24 Q. When you became the director, to
 25 whom did you report?

23. PAGE 18:02 TO 18:02 (RUNNING 00:00:06.745)

02 A. Mr. Don Joong Choi.

24. PAGE 18:03 TO 18:05 (RUNNING 00:00:15.468)

03 Q. So you reported to Mr. Choi the
 04 entire time that you were leading up the
 05 sales department in the year 2000 to 2009?

25. PAGE 18:06 TO 18:07 (RUNNING 00:00:09.121)

06 A. He was not with me for a very
 07 long period of time.

26. PAGE 18:08 TO 18:09 (RUNNING 00:00:04.130)

08 Q. Okay. When did he -- when did
 09 you stop reporting to him?

27. PAGE 18:10 TO 18:12 (RUNNING 00:00:14.717)

10 A. I don't remember the month. I
 11 believe he was transferred to somewhere
 12 else in 2001.

28. PAGE 18:13 TO 18:14 (RUNNING 00:00:03.811)

13 Q. Okay. And when he transferred,
 14 to whom did you report?

29. PAGE 18:15 TO 18:16 (RUNNING 00:00:09.117)

15 A. After that, I reported to
 16 Ms. Jung-Soo Kim.

30. PAGE 18:17 TO 18:18 (RUNNING 00:00:04.436)

17 Q. And what was her title when you
 18 were reporting to her?

31. PAGE 18:19 TO 18:20 (RUNNING 00:00:07.945)

19 A. I believe her title at that time
 20 was head of sales division.

32. PAGE 22:19 TO 22:22 (RUNNING 00:00:24.142)

19 Q. Was it true, during the entire
 20 period of 2000 to 2007, that one of your
 21 responsibilities was the increase in price
 22 of Ramen for the Korean domestic market?

33. PAGE 22:23 TO 22:24 (RUNNING 00:00:04.241)

23 A. Yes. That was one of my
 24 responsibilities.

34. PAGE 25:24 TO 26:03 (RUNNING 00:00:19.101)

24 Mr. Ahn, I'm going to hand you
 25 another copy of still -- it will be marked
 00026:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 as Exhibit 7. It has Bates Nos.

Case Clip(s) Detailed Report
Sunday, November 18, 2018, 10:46:20 AM

KoreanNoodles

03 OTGR0001584 and 1592. But as Mr. Dosker

35. PAGE 27:18 TO 27:19 (RUNNING 00:00:04.553)

18 Have you had an opportunity to
19 review Exhibit 7, Mr. Ahn?

36. PAGE 27:20 TO 27:20 (RUNNING 00:00:02.231)

20 A. Yes. Yes, I did.

37. PAGE 27:21 TO 27:22 (RUNNING 00:00:06.344)

21 Q. May I ask you to turn to the
22 last page of Exhibit 7.

38. PAGE 27:23 TO 27:23 (RUNNING 00:00:01.291)

23 A. Yes.

39. PAGE 27:24 TO 28:02 (RUNNING 00:00:11.117)

24 Q. Does your signature appear on
25 the last page of Exhibit 7, which would be
00028:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 OTGR0001592?

40. PAGE 28:03 TO 28:03 (RUNNING 00:00:02.078)

03 A. Yes. I see that.

41. PAGE 28:04 TO 28:08 (RUNNING 00:00:22.361)

04 Q. Okay. And then if you look in
05 the lower right-hand corner of the first
06 page of Exhibit 7, there is some
07 handwriting there.
08 Are those your initials?

42. PAGE 28:09 TO 28:09 (RUNNING 00:00:02.134)

09 A. It's a full name.

43. PAGE 28:11 TO 28:12 (RUNNING 00:00:06.799)

11 So is this a true copy of the
12 statement that you gave to the KFTC?

44. PAGE 28:13 TO 28:13 (RUNNING 00:00:02.010)

13 A. Yes, it is.

45. PAGE 29:15 TO 29:18 (RUNNING 00:00:13.228)

15 Q. Okay. Did you review your
16 statement to the KFTC reflected in
17 Exhibit 7 before you submitted this
18 statement to the KFTC?

46. PAGE 29:19 TO 29:19 (RUNNING 00:00:02.467)

19 A. Yes, I did.

47. PAGE 29:20 TO 29:24 (RUNNING 00:00:16.731)

20 Q. And at the time you signed
21 Exhibit 7, was it -- were the statements
22 contained in Exhibit 7 true and correct of
23 your own personal knowledge, to the best
24 of your ability?

48. PAGE 29:25 TO 29:25 (RUNNING 00:00:04.327)

25 A. Yes. That was my understanding.

Case Clip(s) Detailed Report
 Sunday, November 18, 2018, 10:46:20 AM

KoreanNoodles

49. PAGE 30:02 TO 30:04 (RUNNING 00:00:06.673)

02 Q. And do you believe that the
 03 statements in Exhibit 7 are true and
 04 correct today?

50. PAGE 30:05 TO 30:05 (RUNNING 00:00:01.953)

05 A. Yes, I do.

51. PAGE 30:06 TO 30:07 (RUNNING 00:00:05.624)

06 Q. Okay. Do you recall how many
 07 statements that you gave to the KFTC?

52. PAGE 39:17 TO 39:20 (RUNNING 00:00:17.584)

17 Q. Okay. The last document I'm
 18 going to mark as Exhibit 10 to your
 19 deposition bears the Bates Nos.
 20 OTGKR0001684 through 1686.

53. PAGE 39:24 TO 40:04 (RUNNING 00:00:21.593)

24 MR. BIRKHAUSER: And then also
 25 for the record, we have a certified
 00040:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 translation bearing the Bates Nos.
 03 OTGKR-0001684T through 1686T, which
 04 will be marked as Exhibit 10T.

54. PAGE 40:09 TO 40:10 (RUNNING 00:00:04.007)

09 Q. Have you had an opportunity to
 10 review Exhibit 10, Mr. Ahn?

55. PAGE 40:11 TO 40:11 (RUNNING 00:00:01.584)

11 A. Yes.

56. PAGE 40:12 TO 40:13 (RUNNING 00:00:05.769)

12 Q. Can you look at the top
 13 right-hand corner of Exhibit 10.

57. PAGE 40:14 TO 40:14 (RUNNING 00:00:01.669)

14 Do you see your signature?

58. PAGE 40:15 TO 40:15 (RUNNING 00:00:01.840)

15 A. Yes. I can.

59. PAGE 41:09 TO 41:11 (RUNNING 00:00:07.360)

09 Q. And did you review a copy of
 10 Exhibit 10 before it was submitted to the
 11 KFTC?

60. PAGE 41:12 TO 41:12 (RUNNING 00:00:02.377)

12 A. Yes, I did.

61. PAGE 41:13 TO 41:16 (RUNNING 00:00:10.121)

13 Q. And did you believe that the
 14 statements contained in Exhibit 10 were
 15 true and correct at the time you submitted
 16 the statement to the KFTC?

62. PAGE 41:17 TO 41:17 (RUNNING 00:00:03.016)

17 A. Yes, I did.

KoreanNoodles

63. PAGE 41:18 TO 41:24 (RUNNING 00:00:13.010)

18 Q. And as you sit here today, do
19 you believe that the true and correct --
20 do you believe that the statements
21 contained in exhibit -- Exhibit 10 are
22 true and correct to your personal
23 knowledge, to the best of your personal
24 knowledge?

64. PAGE 41:25 TO 41:25 (RUNNING 00:00:02.275)

25 A. Yes, I do.

65. PAGE 43:06 TO 43:07 (RUNNING 00:00:03.508)

06 Q. So can you tell me generally
07 what is the Ramen Association?

66. PAGE 43:08 TO 43:17 (RUNNING 00:00:51.397)

08 A. This transaction order
09 association is a type of order from Korean
10 Internal Revenue Service. And it is to
11 prevent dumping -- not to pay taxes among
12 the Ramen manufacturers in the Ramen
13 market so that they would not just dump
14 the Ramen price. So this is to control
15 the activities of Ramen manufacturers in
16 the Ramen industry. And that is the
17 purpose of this association.

67. PAGE 43:23 TO 43:24 (RUNNING 00:00:04.025)

23 Q. Okay. And what was the general
24 assembly of the Ramen Association?

68. PAGE 43:25 TO 44:11 (RUNNING 00:00:57.000)

25 A. Ramen Association's general
00044:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 assembly takes place once a year, and it
03 is -- or this is the assembly for Ramen
04 Transaction Order Association, and they
05 determine the mandates of this association
06 and also discuss the cost to do different
07 various mandate, et cetera, and determine
08 which company will pay how much. So this
09 is the discussion group to talk about the
10 allocation of each Ramen companies and
11 what they are going to do, et cetera.

69. PAGE 44:12 TO 44:15 (RUNNING 00:00:10.840)

12 Q. Did you personally attend
13 meetings of the general assembly of the
14 Ramen Association while you were employed
15 by Samyang Foods Company Limited?

70. PAGE 44:16 TO 44:16 (RUNNING 00:00:02.306)

16 A. Yes, I did.

71. PAGE 44:17 TO 44:19 (RUNNING 00:00:07.934)

17 Q. And what other companies
18 participated in the General Assembly of
19 the Ramen Association?

72. PAGE 44:20 TO 44:24 (RUNNING 00:00:19.675)

20 A. In the beginning, I -- as far as

Case Clip(s) Detailed Report

Sunday, November 18, 2018, 10:46:20 AM

KoreanNoodles

21 I recall, there were -- four company
22 representatives from four companies
23 attended: Nongshim, Samyang, Paldo, and
24 Ottogi.

73. PAGE 44:25 TO 45:03 (RUNNING 00:00:06.007)

25 Q. What was the first year that you
00045:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 attended the general assembly of the Ramen
03 Association?

74. PAGE 45:04 TO 45:05 (RUNNING 00:00:10.215)

04 A. To my recollection, I think my
05 first attendance was in 2000.

75. PAGE 45:06 TO 45:09 (RUNNING 00:00:11.150)

06 Q. Did the composition of the
07 general assembly of the Ramen Association
08 change over time as far as the companies
09 that were -- that constituted it?

76. PAGE 45:10 TO 45:15 (RUNNING 00:00:23.402)

10 A. The general assembly was
11 attended by representatives by four
12 companies that I already mentioned. But
13 the attendees might change because of
14 their job title changes or job
15 responsibilities changed.

77. PAGE 45:16 TO 45:19 (RUNNING 00:00:16.021)

16 Q. When you -- when you attended
17 the meetings of the general assembly, did
18 you appear as a representative of Samyang
19 Food Company Limited?

78. PAGE 45:20 TO 45:23 (RUNNING 00:00:13.752)

20 A. I was the director of the
21 association, and I was the representative
22 of Samyang Food Company Limited of the
23 Ramen Association's general assembly.

79. PAGE 45:24 TO 46:02 (RUNNING 00:00:07.631)

24 Q. So you were a director of the
25 general assembly of the Ramen Association
00046:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 at some point in time?

80. PAGE 46:03 TO 46:06 (RUNNING 00:00:15.692)

03 A. Well, I characterized it as
04 director. That's my word. But in the --
05 within the Ramen Association, we call the
06 committee committee members.

81. PAGE 46:07 TO 46:10 (RUNNING 00:00:12.470)

07 Q. Okay. And then was there a
08 chair of the general assembly of the Ramen
09 Association during the time that you
10 attended?

82. PAGE 46:11 TO 46:12 (RUNNING 00:00:10.347)

11 A. Yes. One of the companies had
12 the role of chair.

Case Clip(s) Detailed Report
Sunday, November 18, 2018, 10:46:20 AM

KoreanNoodles

83. PAGE 46:13 TO 46:15 (RUNNING 00:00:10.705)

13 Q. And during the time that you
14 attended the Ramen Association, who was
15 the chair of the general assembly?

84. PAGE 46:16 TO 46:16 (RUNNING 00:00:04.014)

16 A. Nongshim.

85. PAGE 46:17 TO 46:19 (RUNNING 00:00:09.267)

17 Q. Do you recall in what year
18 you -- you last attended a meeting of the
19 general assembly of the Ramen Association?

86. PAGE 46:20 TO 46:20 (RUNNING 00:00:05.265)

20 A. I believe it was in 2005.

87. PAGE 46:21 TO 46:23 (RUNNING 00:00:08.371)

21 Q. So was Nongshim the chair of the
22 general assembly for the entire time
23 between 2000 and 2005?

88. PAGE 46:24 TO 46:24 (RUNNING 00:00:01.958)

24 A. Yes.

89. PAGE 46:25 TO 47:03 (RUNNING 00:00:12.406)

25 Q. And was there a particular
00047:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 individual on behalf of Nongshim that was
03 the chair during the years 2000 and 2005?

90. PAGE 47:04 TO 47:04 (RUNNING 00:00:02.670)

04 A. Yes. There was.

91. PAGE 47:05 TO 47:06 (RUNNING 00:00:02.618)

05 Q. And what was that individual's
06 name?

92. PAGE 47:07 TO 47:08 (RUNNING 00:00:09.961)

07 A. As far as I recall, his name was
08 Dong Gyun Yoon.

93. PAGE 48:02 TO 48:03 (RUNNING 00:00:08.533)

02 Q. What is -- what information is
03 reflected on Attachment 1 of Exhibit 9?

94. PAGE 48:04 TO 48:11 (RUNNING 00:00:34.105)

04 A. This attachment lists the Ramen
05 companies' officers, names of officers or
06 executives at that time, and also the
07 names that are underlined are the ones
08 that I think who attended that meeting,
09 general assembly. So I underlined anyone
10 that I remembered being at the general
11 assembly.

95. PAGE 48:12 TO 48:14 (RUNNING 00:00:10.092)

12 Q. Okay. At the very top of
13 Attachment 1 to Exhibit 9, there are the
14 letters "SS."

Case Clip(s) Detailed Report
 Sunday, November 18, 2018, 10:46:20 AM

KoreanNoodles

96. PAGE 48:15 TO 48:15 (RUNNING 00:00:01.371)

15 A. Yes.

97. PAGE 48:16 TO 48:17 (RUNNING 00:00:02.464)

16 Q. Does that -- what does that
 17 refer to?

98. PAGE 48:18 TO 48:19 (RUNNING 00:00:10.560)

18 A. "SS" stands for "Samyang Shik
 19 Poom," meaning "Samyang Food."

99. PAGE 48:20 TO 48:21 (RUNNING 00:00:03.973)

20 Q. And the letter "N" next to it,
 21 what does that refer to?

100. PAGE 48:22 TO 48:22 (RUNNING 00:00:04.163)

22 A. It's initial for "Nongshim."

101. PAGE 48:23 TO 48:23 (RUNNING 00:00:01.589)

23 Q. And the letter "O"?

102. PAGE 48:24 TO 48:24 (RUNNING 00:00:04.656)

24 A. "O" stands for "Ottogi."

103. PAGE 48:25 TO 48:25 (RUNNING 00:00:01.366)

25 Q. And "Y"?

104. PAGE 49:02 TO 49:03 (RUNNING 00:00:09.810)

02 A. "Y" refers to "Yakult," which is
 03 now Paldo.

105. PAGE 49:04 TO 49:09 (RUNNING 00:00:27.677)

04 Q. So the individual who
 05 appeared -- I'm sorry.
 06 The individual who chaired the
 07 general assembly on behalf of Nongshim, do
 08 you see that individual's name listed on
 09 Attachment 1 of Exhibit 9?

106. PAGE 49:10 TO 49:10 (RUNNING 00:00:02.509)

10 A. Yes. I see that.

107. PAGE 49:11 TO 49:11 (RUNNING 00:00:04.675)

11 Q. And was it Mr. Lee Song Yoon?

108. PAGE 49:12 TO 49:13 (RUNNING 00:00:05.517)

12 A. No. Yoon Dong Gyun, Dong Gyun
 13 Yoon.

109. PAGE 49:14 TO 49:19 (RUNNING 00:00:16.388)

14 Q. Okay. And as far as you're
 15 concerned, Attachment 1 of Exhibit 9
 16 accurately reflects the official officers
 17 of the general assembly of the Ramen
 18 Association for each of the years depicted
 19 on the attachment?

110. PAGE 49:20 TO 49:20 (RUNNING 00:00:01.853)

20 A. Yes.

KoreanNoodles

111. PAGE 59:11 TO 59:14 (RUNNING 00:00:14.288)

11 Would you ever arrive early to
12 the general assembly meetings and speak
13 with representatives from Nongshim,
14 Ottogi, or Paldo?

112. PAGE 59:15 TO 59:18 (RUNNING 00:00:17.784)

15 A. Well, on the day of general
16 assembly meeting, we would arrive early,
17 earlier than the scheduled starting time,
18 and meet with other representatives.

113. PAGE 59:19 TO 59:21 (RUNNING 00:00:04.949)

19 Q. And would you sometimes have
20 lunch together after the general assembly
21 meeting?

114. PAGE 59:22 TO 60:02 (RUNNING 00:00:17.106)

22 A. Yes. The lunch was scheduled.
23 It was part of the general assembly
24 meeting. So upon the conclusion of the
25 general assembly meeting, we would have
00060:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 lunch together.

115. PAGE 60:03 TO 60:07 (RUNNING 00:00:14.759)

03 Q. Would -- would members of the
04 general assembly arrive early with the
05 specific intention of speaking with each
06 other before the official business of the
07 Ramen Association?

116. PAGE 60:12 TO 60:17 (RUNNING 00:00:25.837)

12 A. When I attended these general
13 assembly meetings, during the period that
14 I attended, we would arrive earlier than
15 the meeting starting time, and then we all
16 walked in together to the general assembly
17 meeting venue.

117. PAGE 63:11 TO 63:15 (RUNNING 00:00:13.108)

11 Q. Okay. And, again, very
12 generally, do you recall any discussions
13 amongst the members of the general
14 assembly relating to price of Ramen or
15 price increases?

118. PAGE 63:16 TO 63:16 (RUNNING 00:00:02.361)

16 A. Yes, I do.

119. PAGE 63:17 TO 63:20 (RUNNING 00:00:15.673)

17 Q. How frequently did the members
18 discuss price increase at the meetings
19 before the official meeting of the general
20 assembly?

120. PAGE 63:21 TO 63:23 (RUNNING 00:00:14.703)

21 A. I don't recall discussing it
22 frequently. But to my recollection, I
23 remember we discussed once.

Case Clip(s) Detailed Report

Sunday, November 18, 2018, 10:46:20 AM

KoreanNoodles

121. PAGE 64:08 TO 64:10 (RUNNING 00:00:14.192)

08 Do you recall attending a
09 meeting on March 28, 2001, of the general
10 assembly of the Ramen Association?

122. PAGE 64:11 TO 64:11 (RUNNING 00:00:02.306)

11 A. Yes, I do.

123. PAGE 66:03 TO 66:03 (RUNNING 00:00:02.597)

03 Q. Who attended from Samyang?

124. PAGE 66:04 TO 66:05 (RUNNING 00:00:08.890)

04 A. Myself and Chang Hoon Kim, the
05 administrative assistant or support staff.

125. PAGE 66:06 TO 66:07 (RUNNING 00:00:03.753)

06 Q. And did anyone appear on behalf
07 of Nongshim?

126. PAGE 66:08 TO 66:11 (RUNNING 00:00:29.316)

08 A. Mr. Dong Gyun Yoon. I believe
09 he was managing director at that time.
10 And either one or more of Nongshim
11 employees attended that meeting.

127. PAGE 66:17 TO 66:18 (RUNNING 00:00:07.574)

17 Q. Do you remember the names of
18 anyone that attended on behalf of Ottogi?

128. PAGE 66:19 TO 66:20 (RUNNING 00:00:06.988)

19 A. I cannot recall with respect to
20 Ottogi either.

129. PAGE 66:21 TO 66:23 (RUNNING 00:00:04.641)

21 Q. And how about Paldo? Do you
22 recall anybody that attended on behalf
23 of --

130. PAGE 66:24 TO 67:09 (RUNNING 00:00:45.687)

24 A. Well, at that time, my memory
25 was not very clear. I -- when I was
00067:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 preparing this statement, I said that
03 probably Don Joong Choi, who was the
04 director, was representing Ottogi, and
05 Mr. Yoon, the director, was probably
06 representing Paldo. But I was not
07 100 percent sure. So when I made that
08 statement, I said probably those
09 individuals attended that meeting.

131. PAGE 67:15 TO 67:15 (RUNNING 00:00:03.293)

15 Q. And where was the meeting held?

132. PAGE 67:16 TO 67:18 (RUNNING 00:00:13.612)

16 A. The meeting took place at
17 Capital Hotel, which is in Itaewon in
18 Seoul.

Case Clip(s) Detailed Report
 Sunday, November 18, 2018, 10:46:20 AM

KoreanNoodles

133. PAGE 67:19 TO 67:21 (RUNNING 00:00:14.736)

19 Q. And do you recall a discussion
 20 amongst members of the general assembly
 21 prior to the official meeting on that day?

134. PAGE 67:22 TO 67:22 (RUNNING 00:00:03.500)

22 A. Yes. Some I do recall.

135. PAGE 67:23 TO 67:25 (RUNNING 00:00:05.509)

23 Q. Okay. What's your best
 24 recollection of the conversation that
 25 occurred prior to the meeting?

136. PAGE 68:02 TO 68:13 (RUNNING 00:00:52.068)

02 A. When we first saw each other, we
 03 shook hands, and other than Mr. Dong Gyun
 04 Yoon, the director, or the committee
 05 member, I don't really remember the other
 06 ones. But since we only see each other
 07 once, and some of the members were
 08 changed, so we exchanged greetings.
 09 And in my case, I don't really
 10 talk a lot, so I'm usually kind of a
 11 passive participant or attendee. So --
 12 but at that time, what I recall is that we
 13 talked about Ramen price a bit.

137. PAGE 69:03 TO 69:04 (RUNNING 00:00:04.265)

03 Q. Do you recall anyone asking a
 04 question about a price increase?

138. PAGE 69:05 TO 69:13 (RUNNING 00:00:36.481)

05 A. I'm a man of a few words, so I
 06 don't really talk a lot. But I think
 07 somebody else or -- from another company,
 08 I believe, asked to Mr. Dong Gyun Yoon --
 09 I believe he was a managing director at
 10 that time. I think that was his job
 11 title. But I'm not certain. And I
 12 believe Mr. Yoon received a question
 13 regarding price-related negotiations.

139. PAGE 69:14 TO 69:15 (RUNNING 00:00:09.583)

14 Q. And do you recall -- do you
 15 recall Mr. Yoon's response?

140. PAGE 69:16 TO 69:19 (RUNNING 00:00:20.051)

16 A. If I remember correctly, I
 17 believe Mr. Dong Gyun Yoon answered, "Yes.
 18 Negotiation is being taken place. Please
 19 wait and see what happens."

141. PAGE 69:20 TO 69:22 (RUNNING 00:00:06.169)

20 Q. Do you recall anyone expressing
 21 views about the amount of the price
 22 increase with Nongshim?

142. PAGE 69:23 TO 70:07 (RUNNING 00:00:41.011)

23 A. We could not talk about the
 24 price -- I mean, the amount of the price
 25 increase because there are many different
 00070:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY

Case Clip(s) Detailed Report

Sunday, November 18, 2018, 10:46:20 AM

KoreanNoodles

02 types of Ramen. So we cannot talk -- we
 03 could not talk about an individual price
 04 of certain Ramen. But it is possible that
 05 question concerning the increase of --
 06 percentage of price increase -- something
 07 like that might have been asked.

143. PAGE 77:13 TO 77:15 (RUNNING 00:00:08.580)

13 Can you tell me everything that
 14 you remember about the discussion of a
 15 price increase at that meeting.

144. PAGE 77:16 TO 79:06 (RUNNING 00:02:17.623)

16 A. Concerning price increase, I
 17 believe that in the beginning, executives
 18 from Ottogi and Yakult asked the questions
 19 to Mr. Yoon concerning price increase.
 20 And Mr. Yoon responded that the
 21 negotiation is being taken place, and so I
 22 said that "Considering the inflation, the
 23 price increase should be at least
 24 double-digit. What do you think about
 25 that?"
 00078:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 And Mr. Yoon responded to my
 03 comment that "I have never seen the
 04 double-digit increase in the past, and I
 05 think double-digit increase might be too
 06 much. Don't you think?" I remember him
 07 saying that.
 08 And then Ottogi and Yakult sides
 09 also stated that "We need to have at least
 10 double-digit increase to cover our cost."
 11 And Nongshim -- Mr. Yoon stated that -- as
 12 far as I recall, he looked at the Ottogi
 13 side and saying that I received assistance
 14 request from an employee that this area in
 15 the statement I referred to as XX. In
 16 this area, the selling price went down
 17 substantially. So our employee request
 18 for assistance.
 19 Then the executive from Ottogi
 20 stated that, Well, I received a report
 21 about that, and the report that I received
 22 was that it was the response or
 23 countermeasure because Nongshim was
 24 selling very low. And then Mr. Yoon
 25 stated that you have to set the -- you
 00079:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 have to set at a proper price to generate
 03 profit. If you can sell it too low, then
 04 it doesn't help anybody. And I believe
 05 that this topic concluded at that point.
 06 That's what I recall.

145. PAGE 79:07 TO 79:11 (RUNNING 00:00:19.400)

07 Q. When Nongshim was discussing the
 08 price increase, do you recall the
 09 employees from Ottogi or Yakult -- what
 10 did they say they would do if the price
 11 increased?

146. PAGE 79:12 TO 79:15 (RUNNING 00:00:24.718)

12 A. That the price increase should
 13 be at least double-digit to cover its

Case Clip(s) Detailed Report

Sunday, November 18, 2018, 10:46:20 AM

KoreanNoodles

14 cost, and I think that was the gist of the
15 conversation.

147. PAGE 79:16 TO 79:19 (RUNNING 00:00:08.517)

16 Q. Do you recall whether the
17 employees of Ottogi or Yakult said that
18 they would raise the price also if
19 Nongshim raised the price?

148. PAGE 79:20 TO 79:25 (RUNNING 00:00:32.292)

20 A. It wasn't that explicit that,
21 like, where if you raise the price, we
22 will raise our price. It wasn't like
23 that. It was more like if Nongshim raised
24 the price, then we will be able to raise
25 our price as well.

149. PAGE 80:02 TO 80:05 (RUNNING 00:00:30.342)

02 Q. Did -- during the discussion
03 about the low sales price, do you recall
04 anything else that was said about the
05 resolution of this problem?

150. PAGE 80:06 TO 80:10 (RUNNING 00:00:22.611)

06 A. No. The discussion ended with
07 final comment by Mr. Yoon that in order to
08 generate profit, you have to sell the
09 product at the right price. Otherwise,
10 everyone loses.

151. PAGE 80:11 TO 80:17 (RUNNING 00:00:31.338)

11 Q. Okay. During the time that you
12 were heading up the sales department at
13 Samyang, do you recall any instances in
14 which employees of Samyang on the one hand
15 and employees of Ottogi or Yakult
16 exchanged advance information about price
17 increases?

152. PAGE 80:25 TO 81:03 (RUNNING 00:00:06.429)

25 Q. And in that question, I'm
00081:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 referring to price increases for the
03 Korean domestic market.

153. PAGE 81:04 TO 81:06 (RUNNING 00:00:11.252)

04 A. Yes. With respect to Korean
05 domestic market, we exchanged the price
06 information.

154. PAGE 81:07 TO 81:10 (RUNNING 00:00:15.404)

07 Q. And who -- what employees at
08 Samyang exchanged advance information
09 about price increases in the Korean
10 domestic market?

155. PAGE 81:14 TO 81:19 (RUNNING 00:00:32.374)

14 A. From Samyang's side, at that
15 time, I received a report from Mr. Chang
16 Hoon Kim, which is the deputy manager, and
17 he was in charge of market research, and
18 also we accumulated information through

Case Clip(s) Detailed Report

Sunday, November 18, 2018, 10:46:20 AM

KoreanNoodles

19 our different sales offices.

156. PAGE 81:20 TO 81:23 (RUNNING 00:00:15.192)

20 Q. Do you believe that Mr. Kim
21 received information directly from
22 Nongshim about price increases in advance
23 of the increase itself with --

157. PAGE 82:02 TO 82:03 (RUNNING 00:00:02.874)

02 Q. -- with respect to the Korean
03 domestic market?

158. PAGE 82:08 TO 82:10 (RUNNING 00:00:11.374)

08 A. My understanding is that Mr. Kim
09 received such information directly from
10 Nongshim.

159. PAGE 82:11 TO 82:12 (RUNNING 00:00:03.931)

11 Q. Do you know how he received the
12 information from Nongshim?

160. PAGE 82:13 TO 82:15 (RUNNING 00:00:15.769)

13 A. How he received? Well, he
14 received via in-person meeting or via
15 landline, via telephone or fax.

161. PAGE 82:16 TO 82:19 (RUNNING 00:00:13.383)

16 Q. Do you know if Mr. Kim received
17 advance price increase information from
18 Nongshim relating to the domestic --
19 Korean domestic market by email?

162. PAGE 82:23 TO 82:24 (RUNNING 00:00:11.158)

23 A. When I said landline, that also
24 include email communication.

163. PAGE 82:25 TO 83:02 (RUNNING 00:00:09.086)

25 Q. Did you see any of the Nongshim
00083:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 advance pricing information yourself?

164. PAGE 83:06 TO 83:10 (RUNNING 00:00:21.071)

06 A. The report that I received from
07 my subordinates is based on the
08 information that they received from the
09 other party, and then they prepare report
10 for me. So that's what I checked.

165. PAGE 83:23 TO 84:02 (RUNNING 00:00:13.748)

23 Did Samyang use the Nongshim
24 advance price information for the purpose
25 of pricing its own Ramen products in the
00084:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 domestic market?

166. PAGE 84:06 TO 84:09 (RUNNING 00:00:24.697)

06 A. Yes.
07 Q. Did Samyang increase its prices
08 to the same level as the Nongshim prices
09 that it received in advance?

Case Clip(s) Detailed Report
Sunday, November 18, 2018, 10:46:20 AM

KoreanNoodles

167. PAGE 84:13 TO 84:20 (RUNNING 00:00:30.296)

13 A. Yes. Samyang did for
14 competitive products. What I mean by that
15 is that the similar price range products.
16 For example, Nongshim's shin Ramen price
17 was the same or similar to that of
18 Samyang's Samyang Ramen. So we were -- we
19 used that information to have the similar
20 price level.

168. PAGE 84:21 TO 84:22 (RUNNING 00:00:04.144)

21 Q. Do you understand the term
22 "flagship product"?

169. PAGE 84:23 TO 84:24 (RUNNING 00:00:07.107)

23 A. Yes. We use that term in our
24 company.

170. PAGE 84:25 TO 85:02 (RUNNING 00:00:06.782)

25 Q. Okay. Was shin Ramen a flagship
00085:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 product of Nongshim?

171. PAGE 85:03 TO 85:03 (RUNNING 00:00:02.068)

03 A. Yes.

172. PAGE 85:04 TO 85:05 (RUNNING 00:00:04.507)

04 Q. And what was Samyang's
05 corresponding flagship product?

173. PAGE 85:06 TO 85:06 (RUNNING 00:00:03.439)

06 A. Samyang Ramen.

174. PAGE 86:02 TO 86:06 (RUNNING 00:00:25.692)

02 Q. Okay. When Samyang received
03 advance information from Nongshim relating
04 to price increases in the Korean domestic
05 market, did Samyang share its information
06 with Ottogi?

175. PAGE 86:11 TO 86:11 (RUNNING 00:00:02.721)

11 A. Yes. We share it.

176. PAGE 86:15 TO 86:17 (RUNNING 00:00:13.009)

15 Did -- did Samyang share price
16 increase information with Nongshim
17 relating to the Korean domestic market?

177. PAGE 86:18 TO 86:18 (RUNNING 00:00:02.161)

18 A. Yes, we did.

178. PAGE 86:19 TO 86:21 (RUNNING 00:00:07.955)

19 Q. And Samyang shared that
20 information with Nongshim in advance of
21 raising its prices; correct?

179. PAGE 86:25 TO 87:02 (RUNNING 00:00:08.112)

25 A. Whether Samyang provided
00087:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 information to Nongshim?

Case Clip(s) Detailed Report
Sunday, November 18, 2018, 10:46:20 AM

KoreanNoodles

180. PAGE 87:03 TO 87:03 (RUNNING 00:00:01.090)

03 Q. Yes.

181. PAGE 87:04 TO 87:04 (RUNNING 00:00:02.195)

04 A. Yes, we did.

182. PAGE 87:25 TO 88:05 (RUNNING 00:00:19.516)

25 Q. Did Samyang share information
00088:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 with Paldo about its intention to raise
03 the price before it actually raised the
04 price of Ramen in the Korean domestic
05 market?

183. PAGE 88:06 TO 88:08 (RUNNING 00:00:09.732)

06 A. Yes. I -- I believe that we
07 shared that information with Ottogi and
08 Paldo.

184. PAGE 88:09 TO 88:12 (RUNNING 00:00:19.409)

09 Q. Okay. Do you know what -- do
10 you know how Samyang shared information
11 about its intentions to raise prices with
12 Paldo, Ottogi, and Nongshim?

185. PAGE 88:13 TO 88:15 (RUNNING 00:00:16.241)

13 A. Are you asking how Samyang
14 shared the -- its price information with
15 Paldo, Ottogi, and Nongshim?

186. PAGE 88:16 TO 88:16 (RUNNING 00:00:00.903)

16 Q. Yes.

187. PAGE 88:17 TO 88:18 (RUNNING 00:00:12.709)

17 A. Either in-person meeting or the
18 landline, email, fax, telephone.

188. PAGE 90:02 TO 90:05 (RUNNING 00:00:13.664)

02 Q. Did these -- did the Samyang
03 employees report to you in writing about
04 their meetings with Nongshim, Paldo, and
05 Ottogi?

189. PAGE 90:06 TO 90:10 (RUNNING 00:00:19.854)

06 A. It's not that they talked about
07 what was discussed at the meeting and the
08 field; it was just that it was only the
09 information that they brought from the
10 meeting.

190. PAGE 90:11 TO 90:14 (RUNNING 00:00:08.644)

11 Q. Did the information that they
12 bring from -- that they brought from the
13 meeting include the timing of a price
14 increase?

191. PAGE 90:15 TO 90:15 (RUNNING 00:00:03.331)

15 A. Of course, yes.

Case Clip(s) Detailed Report
Sunday, November 18, 2018, 10:46:20 AM

KoreanNoodles

192. PAGE 90:16 TO 90:17 (RUNNING 00:00:05.917)

16 Q. Do you know what the -- do you
17 use the term "old price support"?

193. PAGE 90:18 TO 90:18 (RUNNING 00:00:03.142)

18 A. Yes. We do use that.

194. PAGE 90:19 TO 90:20 (RUNNING 00:00:03.983)

19 Q. Okay. And what does that mean?
20 What does old price support mean?

195. PAGE 90:21 TO 91:20 (RUNNING 00:01:17.808)

21 A. What old price support means is
22 that what -- that term is used in
23 marketing and sales, for example, when a
24 product's price goes up in the existing
25 market. In the Korean market, we still
00091:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 have many products with the old price. So
03 these products have not been sold yet. So
04 we provide products with the old price,
05 even though price have gone up.
06 And then until they sell the --
07 all these products, the old products --
08 well, there would be confusion among
09 customers if they see the two different
10 prices for the same products. So in order
11 to minimize these confusions, we provide
12 this old price support.
13 So once all the old products are
14 sold, then the new products will come out
15 with the new price. I mean, not
16 necessarily new products, but the same
17 product with the higher price will go up.
18 So we call that -- it's a soft landing to
19 make the market more stable with respect
20 to price.

196. PAGE 91:21 TO 92:02 (RUNNING 00:00:15.807)

21 Q. In connection with the price
22 increase in the Korean domestic -- in the
23 Korean domestic market, would Samyang
24 receive information from Nongshim about
25 the length of time for old product
00092:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 support?

197. PAGE 92:03 TO 92:03 (RUNNING 00:00:02.198)

03 A. Yes, we do.

198. PAGE 92:04 TO 92:09 (RUNNING 00:00:18.591)

04 Q. In connection with the price
05 increase in the Korean domestic market,
06 would Samyang provide information to
07 Nongshim, Ottogi, and Paldo about the
08 length of time that Samyang intended to
09 have old product support?

199. PAGE 92:10 TO 92:11 (RUNNING 00:00:04.620)

10 A. Samyang provides that
11 information.

KoreanNoodles

200. PAGE 92:21 TO 92:25 (RUNNING 00:00:26.795)

21 Q. So if I understand correctly,
 22 Nongshim would provide information to
 23 Samyang about the amount of a price
 24 increase in its flagship products before
 25 that price increase was to take effect.

201. PAGE 93:03 TO 93:03 (RUNNING 00:00:02.360)

03 A. That is correct.

202. PAGE 93:04 TO 93:07 (RUNNING 00:00:17.994)

04 Q. Okay. And Nongshim provided
 05 information to Samyang about the timing of
 06 a price increase in the Korean domestic
 07 market before that increase took effect.

203. PAGE 93:11 TO 93:18 (RUNNING 00:00:27.913)

11 A. Your previous question deals
 12 with the price information and the price
 13 increase timing, and I -- to that, I
 14 answered that we would receive information
 15 about price as well as the timing of price
 16 increase. So I'm just wondering whether
 17 this question is different than your
 18 previous ones.

204. PAGE 93:19 TO 93:23 (RUNNING 00:00:12.576)

19 Q. No. What I want to know is
 20 whether there was any other information
 21 about pricing that you received from
 22 Nongshim prior to the price increase
 23 taking effect.

205. PAGE 93:24 TO 94:08 (RUNNING 00:01:02.530)

24 A. After we receive price
 25 information, and we receive information
 00094:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 concerning the timing of price increase,
 03 and since we received that information by
 04 each item, then we're all set to go. Then
 05 the next thing we need to find out is that
 06 the period of old price support that they
 07 will have. Then we have time to prepare
 08 the next step. And that is all.

206. PAGE 94:09 TO 94:11 (RUNNING 00:00:08.055)

09 Q. And then what is the next step
 10 after you receive the information -- the
 11 price information from Nongshim?

207. PAGE 94:12 TO 94:14 (RUNNING 00:00:16.055)

12 A. The next step would be we have
 13 to make determination internally what the
 14 price increase will be.

208. PAGE 94:15 TO 94:18 (RUNNING 00:00:11.794)

15 Q. And -- and when I say advance
 16 price information, I mean -- actually,
 17 you've used the word "advance price
 18 information."

Case Clip(s) Detailed Report
Sunday, November 18, 2018, 10:46:20 AM

KoreanNoodles

209. PAGE 94:19 TO 94:20 (RUNNING 00:00:03.766)

19 What do you mean by advance
20 price information?

210. PAGE 95:02 TO 95:05 (RUNNING 00:00:04.700)

02 MR. BIRKHAUSER: But I
03 misspoke.
04 Q. Advance price increase
05 information.

211. PAGE 95:07 TO 95:08 (RUNNING 00:00:02.257)

07 Q. What do you understand that term
08 to be?

212. PAGE 95:09 TO 95:12 (RUNNING 00:00:27.786)

09 A. Before the other companies
10 launch its products, we obtain
11 information, and that itself is the
12 advance information concerning price.

213. PAGE 95:13 TO 95:16 (RUNNING 00:00:25.501)

13 Q. And Samyang obtained advance
14 information about price when there was a
15 new product launch by Nongshim? Is that
16 true?

214. PAGE 95:20 TO 95:22 (RUNNING 00:00:19.959)

20 A. The advance pricing information
21 is not just applicable to new products but
22 also overall Ramen price increase.

215. PAGE 97:21 TO 98:04 (RUNNING 00:00:47.281)

21 Q. Mr. Ahn, I want to ask you about
22 the reports you received from your
23 subordinates containing pricing
24 information received from Nongshim.
25 Did those reports contain
00098:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 increase -- did those reports contain the
03 amount of a proposed price increase for
04 products other than the flagship products?

216. PAGE 98:09 TO 98:15 (RUNNING 00:00:20.242)

09 A. Let me make sure I understand
10 your question correctly. When you say
11 flagship products, those are the products
12 that I mentioned earlier, more like
13 competitive products, and other than those
14 products, there are other products. Could
15 I understand that way?

217. PAGE 98:16 TO 98:16 (RUNNING 00:00:01.255)

16 Q. Yes.

218. PAGE 98:17 TO 98:19 (RUNNING 00:00:19.878)

17 A. The information I received
18 contains all the price increase for all
19 the products for that particular year.

219. PAGE 98:21 TO 98:25 (RUNNING 00:00:17.730)

21 In the reports that you received

Case Clip(s) Detailed Report

Sunday, November 18, 2018, 10:46:20 AM

KoreanNoodles

22 from your subordinates about proposed
23 price increases from the years 2001 to
24 2008, did you receive information about
25 Nongshim's factory price?

220. PAGE 99:07 TO 99:09 (RUNNING 00:00:11.283)

07 A. The reports that I received
08 contain both Nongshim's factory price as
09 well as the retail price.

221. PAGE 99:10 TO 99:11 (RUNNING 00:00:03.693)

10 Q. Okay. And what is the factory
11 price?

222. PAGE 99:12 TO 99:18 (RUNNING 00:00:33.522)

12 A. We use the term "factory price"
13 as manufacturing cost plus profit. And
14 that's the price that we provide to our
15 customers. And consumer price would be
16 the price that is -- that appears in the
17 packaging. That's the recommended retail
18 price.

223. PAGE 100:11 TO 100:15 (RUNNING 00:00:21.294)

11 Q. Okay. So in every year between
12 2001 and 2008 in which there was a price
13 increase, did you receive in advance of
14 the price increase itself the factory
15 price from Nongshim?

224. PAGE 100:20 TO 100:20 (RUNNING 00:00:02.946)

20 A. Yes. We received it.

225. PAGE 101:14 TO 101:18 (RUNNING 00:00:25.392)

14 Q. And in every year in which there
15 was a price increase between 2001 and
16 2008, did Samyang provide its anticipated
17 price increase information of Korean Ramen
18 to Nongshim, Ottogi, and Yakult?

226. PAGE 101:21 TO 101:21 (RUNNING 00:00:03.776)

21 A. Yes. As far as I know.

227. PAGE 101:22 TO 101:25 (RUNNING 00:00:11.490)

22 Q. And Samyang provided this
23 information to Nongshim, Ottogi, and
24 Yakult before it actually raised its
25 price; is that correct?

228. PAGE 102:04 TO 102:04 (RUNNING 00:00:03.905)

04 A. Yes. That is correct.

229. PAGE 118:04 TO 118:07 (RUNNING 00:00:14.474)

04 Q. Mr. Ahn, was there always a
05 market research department at Samyang
06 while you were employed by Samyang Food
07 Company Limited?

230. PAGE 118:08 TO 118:10 (RUNNING 00:00:10.077)

08 A. Market research department?
09 Well, yes, there was a market research

Case Clip(s) Detailed Report
 Sunday, November 18, 2018, 10:46:20 AM

KoreanNoodles

10 department.

231. PAGE 118:11 TO 118:14 (RUNNING 00:00:18.317)

11 Q. And during the period between
 12 2000 and 2008, was it the market research
 13 department's responsibility to gather
 14 information from Samyang's competitors?

232. PAGE 118:15 TO 119:04 (RUNNING 00:00:59.498)

15 A. Talking about 2000? Well,
 16 before 2000, the employees with the market
 17 research department, their main duty was
 18 to find out the market price and updates
 19 on accounts or the customers. And
 20 basically, they were the ones that who
 21 were liaison between the Samyang Foods
 22 Company Limited and its accounts or
 23 customers. They would conduct research
 24 and the breakdowns and et cetera.

25 But starting 2001, we
 00119:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 strengthened the external duties, and we
 03 also added more staff. And that's what I
 04 recall.

233. PAGE 119:05 TO 119:11 (RUNNING 00:00:23.701)

05 Q. And it's your understanding that
 06 employees in the market research
 07 department after the year -- starting in
 08 2001, it was their duty to obtain
 09 information from Samyang's competitors
 10 relating to pricing and other matters; is
 11 that true?

234. PAGE 119:15 TO 119:16 (RUNNING 00:00:05.380)

15 A. What I'm saying is that that
 16 portion of that job became larger.

235. PAGE 119:17 TO 119:23 (RUNNING 00:00:24.520)

17 Q. And after 2001, the market
 18 research department -- one of the market
 19 research department's responsibilities was
 20 to obtain advance pricing information from
 21 Nongshim's competitors relating to the
 22 price of Ramen in the Korean domestic
 23 market.

236. PAGE 120:05 TO 120:14 (RUNNING 00:00:41.031)

05 A. If I may explain more
 06 accurately, the market information
 07 function would have had two functions.
 08 One would be -- well, prior to 2001, the
 09 focus was working in the field or
 10 emphasizing the customer contact point,
 11 point of contacts in the field. But
 12 starting 2001, that portion of their work
 13 was reduced while their external work was
 14 increased.

237. PAGE 120:24 TO 121:05 (RUNNING 00:00:25.081)

24 By "external work," do you mean
 25 that these employees communicated with
 00121:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY

Case Clip(s) Detailed Report

Sunday, November 18, 2018, 10:46:20 AM

KoreanNoodles

02 Nongshim, Ottogi, and Yakult about the
 03 price of Ramen noodles in the Korean
 04 domestic market in advance of the price
 05 being raised?

238. PAGE 121:08 TO 121:13 (RUNNING 00:00:25.101)

08 A. When I said that the -- their
 09 portion of external task was increased
 10 means not just the price increased, but it
 11 also increased that the competitors' new
 12 products and competitors' new products'
 13 prices.

239. PAGE 121:14 TO 121:20 (RUNNING 00:00:27.594)

14 Q. Okay. So the market research
 15 department communicated with Samyang's
 16 competitors during the years 2001 to 2008
 17 about price increase of Ramen products in
 18 the Korean domestic market and then also
 19 about the pricing of new products; is that
 20 correct?

240. PAGE 121:21 TO 121:21 (RUNNING 00:00:02.588)

21 A. Yes. That is correct.

241. PAGE 121:22 TO 121:24 (RUNNING 00:00:07.146)

22 Q. Okay. And those new products
 23 would be Korean Ramen products; is that
 24 correct?

242. PAGE 121:25 TO 122:02 (RUNNING 00:00:05.948)

25 A. Yes, that is correct, the
 00122:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 products for the Korean domestic market.

243. PAGE 122:03 TO 122:07 (RUNNING 00:00:19.033)

03 Q. And the competitors that the
 04 market research department obtained
 05 information from in the years 2001 and
 06 2008 were Ottogi, Yakult, and Nongshim; is
 07 that correct?


244. PAGE 122:08 TO 122:08 (RUNNING 00:00:02.813)

08 A. Yes. That is correct.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:54:07.612)

Case Clip(s) Detailed Report
 Sunday, November 18, 2018, 10:47:37 AM

KoreanNoodles

 Ahn, Soo Chang (Vol. 02) - 01/13/2016

1 CLIP (RUNNING 00:01:40.976)



AHNSOOCHANG-0113

11 SEGMENTS (RUNNING 00:01:40.976)



1. PAGE 166:14 TO 166:18 (RUNNING 00:00:18.786)

14 Q. In the period from 2001 to the
 15 point at which you left Samyang, did you
 16 instruct your subordinates to collect
 17 advance Ramen pricing directly from
 18 Samyang's competitors?

2. PAGE 166:21 TO 166:22 (RUNNING 00:00:05.464)

21 Q. To your knowledge, did your
 22 subordinates carry out your directions?

3. PAGE 166:23 TO 166:23 (RUNNING 00:00:02.340)

23 A. Yes, they did.

4. PAGE 166:24 TO 167:03 (RUNNING 00:00:10.429)

24 Q. Why did you ask your
 25 subordinates to collect directly from
 00167:01
 02 Samyang's competitors advance pricing
 03 information?

5. PAGE 167:07 TO 167:12 (RUNNING 00:00:22.510)

07 A. That was -- or that has been the
 08 routine practice. With respect to that,
 09 well, setting the price and sales, the
 10 goal is to generate as much profit as
 11 possible. And so that activity was a
 12 routine activity.

6. PAGE 167:13 TO 167:17 (RUNNING 00:00:18.862)

13 Q. Okay. Sir, I want to be clear.
 14 There has -- you've had some
 15 testimony about a meeting that you had
 16 with Ramen counterparts at Ramen noodle
 17 manufacturers on March 28, 2001; correct?

7. PAGE 167:18 TO 167:18 (RUNNING 00:00:02.394)

18 A. Yes. That is correct.

8. PAGE 167:19 TO 167:22 (RUNNING 00:00:09.432)

19 Q. All right. And with respect to
 20 that testimony, do you have a clear
 21 recollection of having a personal meeting
 22 with your competitors?

9. PAGE 167:23 TO 167:24 (RUNNING 00:00:03.900)

23 A. Yes. I recall. I clearly
 24 recall.

10. PAGE 167:25 TO 168:02 (RUNNING 00:00:04.934)

25 Q. Okay. And -- and it was on
 00168:01

Case Clip(s) Detailed Report
Sunday, November 18, 2018, 10:47:37 AM

KoreanNoodles

02 March 28, 2001; correct?

11. PAGE 168:03 TO 168:03 (RUNNING 00:00:01.925)

03 A. Yes. That is correct.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:01:40.976)

COURT EXHIBIT 8b

Ottogi

 **Ahn, Soo chang (Vol. 01) - 01/12/2016**

1 CLIP (RUNNING 00:06:45.296)

 Soo Chang Ahn 11-14-18

AHN1

21 SEGMENTS (RUNNING 00:06:45.296)



1. PAGE 8:07 TO 8:13 (RUNNING 00:00:13.378)

07 MS. MANN: I would just like to
08 say for the record that Mr. Ahn is
09 appearing here in response or as part
10 of the cooperation agreement that
11 Samyang reached in its settlement with
12 the direct and the indirect
13 purchasers. He has not been

2. PAGE 20:25 TO 21:04 (RUNNING 00:00:13.833)

25 Q. Did you have any
00021:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 responsibilities for the pricing of Ramen
03 noodles in the Korean domestic market in
04 the year 2000?

3. PAGE 21:05 TO 21:13 (RUNNING 00:00:30.957)

05 A. Let's see. If -- with respect
06 to Ramen price, for example, if the new
07 product comes out, then I receive a
08 pertinent document from my subordinates,
09 and then when I receive that, I review,
10 and then I report to my superiors for
11 approval process. Other than that, I
12 don't recall anything special in the year
13 2000.

4. PAGE 52:09 TO 52:11 (RUNNING 00:00:10.826)

09 Q. So, again, very generally, what
10 was the purpose of the support member
11 meetings of the Ramen Association?

5. PAGE 52:12 TO 52:17 (RUNNING 00:00:20.392)

12 A. The purpose of the support
13 member meetings were to run general
14 assembly of Ramen Associations to run this
15 general assembly meeting smoothly and also
16 to operate the association. Those are the
17 main purposes.

6. PAGE 60:18 TO 60:20 (RUNNING 00:00:10.922)

18 Q. And what types of things would
19 you discuss before the meeting amongst the
20 members of the general assembly?

7. PAGE 60:21 TO 61:19 (RUNNING 00:01:13.335)

21 A. The topics that we covered were
22 very broad. We talk about new products,
23 if a particular company comes up with a
24 new product for that particular year. So
25 each company has its own characteristics.
00061:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 For example, with respect to

Ottogi

03 Yakult, their main products or their
 04 flagship products are dairy products, so
 05 they have a lot of dairy products that
 06 they produced. And with respect to
 07 Ottogi, they had various brands. They
 08 have a variety of brands other than just
 09 Ramen products.
 10 And with respect to Nongshim,
 11 they're working very hard to enter new
 12 market or come up with a new product line.
 13 And if I remember correctly, I think they
 14 mentioned that they were coming up with
 15 this cooked rice item. And also, they
 16 were talking about their entering into a
 17 beverage market, for example. So we were
 18 talking about overall sales strategy or
 19 sales-related activities.

8. PAGE 74:03 TO 74:05 (RUNNING 00:00:06.077)

03 Q. Was it your perception that
 04 there was a resolution of this conflict at
 05 the meeting?

9. PAGE 74:18 TO 74:20 (RUNNING 00:00:05.632)

18 A. I don't think it's something
 19 that I can comment on. It's the matter
 20 between two parties.

10. PAGE 88:20 TO 88:24 (RUNNING 00:00:18.519)

20 When Samyang shared information
 21 with Nongshim, Ottogi, and Paldo about
 22 price increases in the domestic market in
 23 person, would they do so at the Ramen
 24 Association meetings, to your knowledge?

11. PAGE 89:04 TO 89:08 (RUNNING 00:00:13.709)

04 A. No. They did not meet through
 05 Ramen Associations. They -- they are
 06 not -- they don't have anything to do with
 07 Ramen Associations. And so they had
 08 separate meetings, I mean --

12. PAGE 99:19 TO 99:20 (RUNNING 00:00:05.674)

19 Q. Does Samyang announce its
 20 factory price to the public?

13. PAGE 99:24 TO 100:07 (RUNNING 00:00:25.671)

24 A. Well, when you say -- when you
 25 ask me does Samyang announce its factory
 00100:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 price to the public, the public -- the
 03 scope of the public is quite broad. But
 04 because we need to receive money from our
 05 customers, our accounts, so our accounts
 06 receive that information, the factory
 07 price.

14. PAGE 100:08 TO 100:09 (RUNNING 00:00:03.181)

08 Q. And by "accounts," do you mean
 09 distributors?

15. PAGE 100:10 TO 100:10 (RUNNING 00:00:01.090)

10 A. Correct.

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16. PAGE 103:09 TO 103:12 (RUNNING 00:00:14.422)

09 Q. Okay. Would the employees that
10 worked in the Ramen Association offices on
11 a day-to-day basis report back to
12 headquarters about their activities?

17. PAGE 103:20 TO 104:02 (RUNNING 00:00:22.898)

20 A. So the kind of things that they
21 conducted research in is that if a store
22 does not provide receipts or they have a
23 material that they have that they do not
24 pay taxes for, that's one of the examples.
25 And then this information might be relayed
00104:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 to Korean National Tax Service. So these

18. PAGE 104:02 TO 104:12 (RUNNING 00:00:28.129)

02 to Korean National Tax Service. So these
03 individuals would report what they found
04 out to executive director of Ramen
05 Association.
06 And the Ramen Association then
07 contacts the pertinent stores and so to
08 find out where the suppliers are so that
09 we can take necessary actions. And if
10 necessary, we would do -- inform the
11 National -- Korean National Tax Service
12 about that.

19. PAGE 115:04 TO 115:07 (RUNNING 00:00:13.491)

04 Q. Okay. And was that true during
05 the entire time, 2000 to 2008, that the
06 chairperson would make the final approval
07 for export pricing?


20. PAGE 115:08 TO 115:11 (RUNNING 00:00:12.998)

08 A. Yes. Well, rather than simply
09 say that chairman made the final decision,
10 it was quite challenging for us to set the
11 price in the U.S. market because --

21. PAGE 115:12 TO 116:03 (RUNNING 00:01:00.162)

12 because -- because there was a special
13 relationship between the president of
14 Samyang USA and the final decisionmaker
15 within Samyang Foods Company Limited,
16 although there were exchanges via fax and
17 telephone, and there was reports going on.
18 But the final decision was
19 made -- well, the decisionmaker would
20 receive a request from the other party,
21 and -- well, although I signed some
22 documents, that was -- I did not have the
23 decisionmaking authority to decide the
24 sales price. It was difficult to set the
25 actual price. What I'm saying is that the
00116:01 AHN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 Samyang Foods Company Limited did not have
03 the sole authority to decide the price.

Ottogi

 Ahn, Soo-Chang (Vol. 01) - 01/13/2016

1 CLIP (RUNNING 00:16:29.879)

 Soo Chang Ahn 11-14-18

AHN2

79 SEGMENTS (RUNNING 00:16:29.879)



1. PAGE 32:03 TO 32:18 (RUNNING 00:00:46.651)

03 Q. Yesterday, in response to
 04 questioning by plaintiffs' counsel about
 05 the March 28, 2001, Ramen assembly
 06 meeting, you testified as follows, and
 07 this is at page 68, lines 3 to 11.
 08 You testified, "I believe
 09 Mr. Yoon received a question regarding
 10 price-related negotiations."
 11 Ask then the lawyer asks:
 12 "QUESTION: And do you recall?
 13 Do you recall Mr. Yoon's response?"
 14 Then you answer, "If I remember
 15 correctly, I believe Mr. Dong Gyun
 16 Yoon answered, 'Yes. Negotiation is
 17 being taking place. Please wait and
 18 see what happens.'"

2. PAGE 32:19 TO 32:23 (RUNNING 00:00:15.924)

19 So with that in mind, in the
 20 part of your testimony I just read,
 21 the negotiation you were referring to
 22 was the negotiation with the
 23 government; correct?

3. PAGE 32:24 TO 33:02 (RUNNING 00:00:06.819)

24 A. That is correct. That refers to
 25 the negotiation between Nongshim and the
 00033:01
 02 government.

4. PAGE 33:03 TO 33:06 (RUNNING 00:00:16.962)

03 Q. So to also confirm a few lines
 04 later, you testified as follows, and this
 05 is at page 70, lines 10 to 19. I'll do it
 06 smaller pieces this time.

5. PAGE 33:07 TO 33:18 (RUNNING 00:00:29.241)

07 So you gave an answer in which
 08 you said, "At that time, Mr. Dong Gyun
 09 Yoon's response concerning the
 10 double-digit increase was somewhat
 11 negative, and he said that the
 12 negotiations were being taken place. And
 13 I think I already talked about that he was
 14 in the process of reaching an agreement
 15 through negotiation. And so I think what
 16 he said was that, 'Okay. Let's finish
 17 talking about this and move on to the next
 18 topic.'"

6. PAGE 33:19 TO 33:23 (RUNNING 00:00:16.992)

19 So my question, with the part of

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20 your testimony I just read in mind, again,
21 when you said "negotiation," you were
22 referring to negotiation with the
23 government; right?

7. PAGE 34:02 TO 34:03 (RUNNING 00:00:05.693)

02 A. I think my answer remains the
03 same with respect to the previous answer.

8. PAGE 53:03 TO 53:07 (RUNNING 00:00:20.417)

03 MR. DOSKER: Exhibit 15 is a
04 two-page document. I am handing a
05 copy to the reporter, the interpreter,
06 and the witness and to all of the
07 counsel.

9. PAGE 53:12 TO 53:16 (RUNNING 00:00:26.590)

12 MR. DOSKER: Exhibit 15T is a
13 copy of the same document translated
14 into English. And I am handing a copy
15 to the reporter and the interpreter
16 and to all other counsel.

10. PAGE 53:22 TO 54:03 (RUNNING 00:00:23.286)

22 Q. Mr. Ahn, please look at
23 Exhibit 15.
24 Now, isn't it true that you
25 participated in the general meeting of the
00054:01
02 Ramen assembly on March 10, 2000? Is that
03 correct?

11. PAGE 54:04 TO 54:06 (RUNNING 00:00:04.934)

04 A. That is correct.
05 Q. Please look at the second page
06 of Exhibit 15. The signature next to your

12. PAGE 54:06 TO 54:08 (RUNNING 00:00:08.345)

06 of Exhibit 15. The signature next to your
07 name on this document is your signature;
08 is that right?

13. PAGE 54:09 TO 54:09 (RUNNING 00:00:01.217)

09 A. Yes.

14. PAGE 54:16 TO 54:21 (RUNNING 00:00:22.411)

16 MR. DOSKER: Exhibit No. 16 is a
17 two-page document in Korean. I am
18 handing a copy of it to the court
19 reporter, the interpreter, and the
20 witness, and I am handing copies of it
21 to all of the counsel.

15. PAGE 55:02 TO 55:07 (RUNNING 00:00:20.366)

02 MR. DOSKER: Exhibit 16T is a
03 document in English, which is a
04 translation of Exhibit 16, and I am
05 handing copies of it to the court
06 reporter and the interpreter and to
07 all other counsel.

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16. PAGE 55:15 TO 55:18 (RUNNING 00:00:13.357)

15 Mr. Ahn, does Exhibit 16 appear
16 to you to be the general meeting minutes
17 of the March 28, 2001, general meeting of
18 the Ramen assembly?

17. PAGE 55:21 TO 56:02 (RUNNING 00:00:10.778)

21 A. It looks that way, looking at
22 the document.
23 Q. Please look at the second page.
24 Is the signature next to your
25 name your signature or that of someone
00056:01
02 else?

18. PAGE 56:03 TO 56:04 (RUNNING 00:00:04.631)

03 A. The signature is not mine.
04 Q. Whose signature is it?

19. PAGE 56:05 TO 56:09 (RUNNING 00:00:13.767)

05 A. In my opinion, this signature
06 looks like one of my coworkers' that I
07 worked together with in the past a long
08 time ago.
09 Q. What is that person's name?

20. PAGE 56:10 TO 56:10 (RUNNING 00:00:02.214)

10 A. Chang-Woon Kim.

21. PAGE 56:18 TO 56:21 (RUNNING 00:00:16.547)

18 Q. Is Chang-Woon Kim, whose name
19 appears there, the same person as whose
20 signature you have just identified on
21 Exhibit 16?

22. PAGE 56:22 TO 56:22 (RUNNING 00:00:01.576)

22 A. Yes, it is.

23. PAGE 60:11 TO 60:11 (RUNNING 00:00:02.369)

11 Q. Please look at Exhibit 16.

24. PAGE 60:12 TO 60:15 (RUNNING 00:00:14.541)

12 So, Mr. Ahn, does Exhibit 16
13 appear to you to be the general meeting
14 minutes of the Ramen assembly meeting held
15 on March 28, 2001?

25. PAGE 60:18 TO 60:22 (RUNNING 00:00:12.527)

18 A. Yes. It seems that way.
19 Q. Please look on the second page.
20 Is the signature next to your
21 name your handwriting or is it someone
22 else's?

26. PAGE 60:23 TO 60:23 (RUNNING 00:00:01.809)

23 A. Someone else's.

27. PAGE 61:07 TO 61:10 (RUNNING 00:00:17.693)

07 Q. Isn't it true, Mr. Ahn, that the
08 handwriting next to your printed name on
09 Exhibit 16, that handwriting says

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10 "Chang-Woon Kim"; correct?

28. PAGE 61:11 TO 61:15 (RUNNING 00:00:11.871)

11 A. That's what I think.
 12 Q. And as you testified earlier,
 13 you recognize that, to the best of your
 14 recollection, as being the handwriting of
 15 your colleague, Chang-Woon Kim.

29. PAGE 61:16 TO 61:18 (RUNNING 00:00:08.349)

16 A. Yes. To me, the signature looks
 17 like -- it looks like the signature
 18 belongs to his.

30. PAGE 62:14 TO 62:15 (RUNNING 00:00:05.569)

14 Q. Mr. Ahn, please look at Exhibit
 15 17 only.

31. PAGE 62:16 TO 62:17 (RUNNING 00:00:02.917)

16 This is a power of attorney,
 17 isn't it?

32. PAGE 62:18 TO 62:21 (RUNNING 00:00:10.697)

18 A. Yes. That's what the document
 19 says.
 20 Q. And you signed this document,
 21 didn't you?

33. PAGE 62:22 TO 62:23 (RUNNING 00:00:03.560)

22 A. I did not sign this document.
 23 Q. You did not sign this document.

34. PAGE 62:24 TO 63:11 (RUNNING 00:00:44.734)

24 A. No, I did not. There's no
 25 signature.
 00063:01
 02 Q. Towards the bottom of the
 03 document, there appears some information,
 04 which, in the English version, says
 05 "Representative name (member)," and then
 06 there's markings of some sort. And
 07 underneath, it says in typed print on the
 08 English version "Soo-Chang Ahn seal."
 09 Can you tell me what the
 10 non-typed markings in that part of
 11 Exhibit 17 say.

35. PAGE 63:12 TO 63:13 (RUNNING 00:00:05.607)

12 A. This is my personal seal.
 13 Q. Did you put that there?

36. PAGE 63:14 TO 63:16 (RUNNING 00:00:04.366)

14 A. No. I do not have this.
 15 Q. Who has it? At this time, who
 16 had it?

37. PAGE 63:17 TO 63:18 (RUNNING 00:00:08.185)

17 A. I don't know who has it now.
 18 Q. Who had it as of March 28, 2001?

Ottogi

38. PAGE 63:19 TO 63:20 (RUNNING 00:00:05.957)

19 A. I'm not certain, but I believe
20 that Chang-Woon Kim had it.

39. PAGE 63:25 TO 64:09 (RUNNING 00:00:29.659)

25 A. In the company, there are two
00064:01
02 types of stamp or seal. One is possessed
03 by the CEO or the representative, and the
04 other one is a general stamp or seal. And
05 the general seal or stamp, I believe, was
06 possessed by Chang-Woon Kim, and I believe
07 he was the one who was managing that
08 general seal or stamp, and that's why I
09 stated that way.

40. PAGE 64:10 TO 64:24 (RUNNING 00:00:28.221)

10 Q. So looking at Exhibit 17 --
11 MR. BIRKHAUSER: Actually, if
12 you wouldn't mind, in one of the
13 answers, the translator translated,
14 "This is my personal seal."
15 THE INTERPRETER: Correct.
16 MR. BIRKHAUSER: Is that what
17 you have now corrected to say the
18 company seal?
19 THE INTERPRETER: Thank you very
20 much. That is correct. The
21 interpreter does not believe that the
22 witness stated, "This is my personal
23 seal." So the other one is what he
24 said.

41. PAGE 66:22 TO 66:25 (RUNNING 00:00:23.271)

22 Q. So, Mr. Ahn, based on your
23 looking at this mark on Exhibit 17, can
24 you tell which of the two types of seal it
25 is?

42. PAGE 67:02 TO 67:03 (RUNNING 00:00:03.134)

02 A. Yes, I can.
03 Q. And which type is it?

43. PAGE 67:04 TO 67:08 (RUNNING 00:00:10.960)

04 A. This is not the seal that is
05 possessed by the CEO or the company
06 representative.
07 Q. So by process of elimination,
08 does that mean it's the general seal?

44. PAGE 67:09 TO 67:09 (RUNNING 00:00:01.397)

09 A. Yes.

45. PAGE 67:19 TO 67:22 (RUNNING 00:00:14.226)

19 Q. Did Chang-Woon Kim ever put the
20 company seal by your name and you later
21 learned that he had done it without your
22 permission?

46. PAGE 67:25 TO 67:25 (RUNNING 00:00:02.455)

25 A. Nothing I can recall, no.

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47. PAGE 69:19 TO 69:23 (RUNNING 00:00:19.584)

19 Q. Did you know that Chang-Woon --
20 did you know, at the time the meeting
21 minutes for the March 28, 2001, meeting
22 were signed, that Chang-Woon Kim had
23 signed his name next to your printed name?

48. PAGE 70:02 TO 70:03 (RUNNING 00:00:03.638)

02 A. No, I did not know about that at
03 all.

49. PAGE 71:17 TO 71:19 (RUNNING 00:00:18.122)

17 Mr. Ahn, you gave testimony in
18 the Seoul High Court in proceedings on
19 appeal from the KFT decision, didn't you?

50. PAGE 71:20 TO 71:20 (RUNNING 00:00:01.716)

20 A. Yes. That is correct.

51. PAGE 74:23 TO 74:24 (RUNNING 00:00:09.368)

23 Q. Okay. Please turn to page 15 of
24 Exhibit 18. Please read along starting

52. PAGE 77:07 TO 77:08 (RUNNING 00:00:12.195)

07 Q. Would you please read the Korean
08 text at 18A next to the "A."

53. PAGE 77:09 TO 77:15 (RUNNING 00:00:32.867)

09 A. This document -- well, the
10 question is that "The meeting minutes
11 above is the meeting minutes for a regular
12 assembly for the meeting held on
13 March 28, 2001, for Ramen counsel. The
14 signature next to the counsel member for
15 Samyang is not yours. Is that correct?"

54. PAGE 79:03 TO 79:05 (RUNNING 00:00:10.116)

03 Q. So, Mr. Ahn, would you please
04 read again the answer that you gave at
05 18A.

55. PAGE 79:06 TO 79:08 (RUNNING 00:00:12.131)

06 A. "This is not this witness'
07 signature. An administrative assistant
08 attended and signed on my behalf."

56. PAGE 87:17 TO 87:19 (RUNNING 00:00:11.533)

17 Q. So now would you please read
18 aloud the question and answer at "E" on
19 page 16.

57. PAGE 87:20 TO 87:22 (RUNNING 00:00:09.735)

20 A. "If so, how come the power of
21 attorney is attached?"
22 Q. And the answer?

58. PAGE 87:23 TO 87:24 (RUNNING 00:00:05.585)

23 A. Answer: "About that, I'm
24 wondering about that too."

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59. PAGE 107:15 TO 107:19 (RUNNING 00:00:14.816)

15 Q. Mr. Ahn, is it true that you did
16 not give instructions to Samsung employees
17 who were junior to you about cooperation
18 among the Ramen companies regarding price
19 increases?

60. PAGE 107:22 TO 107:24 (RUNNING 00:00:07.368)

22 A. I did not give specific
23 instructions as to whether you need to
24 cooperate or not.

61. PAGE 112:23 TO 112:24 (RUNNING 00:00:05.563)

23 Q. So Mr. Ahn, it is a short
24 document. It's two and a quarter pages.

62. PAGE 112:25 TO 113:03 (RUNNING 00:00:05.175)

25 Would you please review it and
00113:01
02 tell me if it appears to be a copy of your
03 statement.

63. PAGE 113:05 TO 113:09 (RUNNING 00:00:13.049)

05 It appears to be a copy of my
06 statement.
07 Q. And based on having reviewed it
08 just now, does it appear to be still true,
09 to the best of your knowledge?

64. PAGE 113:10 TO 113:10 (RUNNING 00:00:04.204)

10 A. Yes. Yes.

65. PAGE 114:21 TO 114:22 (RUNNING 00:00:03.449)

21 Q. Looking at the third paragraph
22 on that page, that refers to a time period

66. PAGE 114:22 TO 114:23 (RUNNING 00:00:05.183)

22 on that page, that refers to a time period
23 starting in 1989. And focusing on the

67. PAGE 114:23 TO 114:24 (RUNNING 00:00:04.780)

23 starting in 1989. And focusing on the
24 last sentence of that paragraph, it's your

68. PAGE 114:25 TO 115:05 (RUNNING 00:00:13.071)

25 understanding, isn't it, that from about
00115:01
02 1989 on, it was only Nongshim that visited
03 the price control authorities for
04 consultation on price increase, scope,
05 timing, et cetera.

69. PAGE 115:06 TO 115:08 (RUNNING 00:00:10.339)

06 A. As I stated earlier, I cannot
07 compare the Korean and how that Korean
08 text has been translated into English.

70. PAGE 115:09 TO 115:10 (RUNNING 00:00:07.525)

09 That the beef tallow crisis occurred in
10 1989, that is true. That because of that,

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71. PAGE 115:11 TO 115:13 (RUNNING 00:00:16.705)

11 the Samyang's visit with the government
 12 employee concerning the price increase in
 13 advance, that visit has reduced.

72. PAGE 115:14 TO 115:19 (RUNNING 00:00:20.246)

14 And so my understanding is that
 15 since the number of visits from Samyang
 16 reduced, then Nongshim is the only company
 17 visited price control government entity
 18 that is in charge of price control visited
 19 the government entity.

73. PAGE 145:19 TO 145:23 (RUNNING 00:00:21.086)

19 Q. So do the people who are
 20 dispatched daily to the Ramen assembly --
 21 do they go do part of their work in
 22 research at the distributors as well as
 23 retail stores?

74. PAGE 145:24 TO 146:03 (RUNNING 00:00:10.443)

24 A. They collect the information
 25 like that and conduct research.
 00146:01
 02 Q. So the answer is yes, they do go
 03 to distributors as well as retail stores?

75. PAGE 146:04 TO 146:08 (RUNNING 00:00:11.058)

04 A. I'm saying that is possible in
 05 order to conduct research.
 06 Q. But this research is for the
 07 purposes of making sure no tax cheating;
 08 right?

76. PAGE 146:09 TO 146:19 (RUNNING 00:00:42.473)

09 A. Sure. So transaction without
 10 paperwork, well, the government might say
 11 they want to evade tax. But ultimately,
 12 this trading order or transaction order
 13 would be broken. Some place might supply
 14 at 100 Won and other place might supply at
 15 50 Won. Then there's no balance in terms
 16 of transaction or trading. So these --
 17 they conducted this research or collecting
 18 information so that normal distribution
 19 activities take place.

77. PAGE 153:05 TO 153:06 (RUNNING 00:00:06.374)

05 Q. Mr. Ahn, I wish to confirm a
 06 couple of more points.

78. PAGE 153:07 TO 153:09 (RUNNING 00:00:14.757)

07 You personally never exchanged
 08 any price information before a public
 09 announcement was made; right?


79. PAGE 153:12 TO 153:12 (RUNNING 00:00:02.833)

12 A. I personally never did that.

COURT EXHIBIT 8c

Case Clip(s) Detailed Report
Sunday, November 18, 2018, 10:47:59 AM

KoreanNoodles

 **Ahn, Soo Chang (Vol. 01) - 01/12/2016**

1 CLIP (RUNNING 00:00:34.488)

 Ahn Redirect

SA011216RD 2 SEGMENTS (RUNNING 00:00:34.488)



1. PAGE 50:14 TO 50:18 (RUNNING 00:00:17.207)

14 Q. Were there regular meetings
15 amongst lower-level employees of each of
16 the respective companies that were known
17 as staff meetings of the Ramen
18 Association?


2. PAGE 50:19 TO 50:23 (RUNNING 00:00:17.281)

19 A. Let's see. The regular
20 meetings -- as far as the regular
21 meetings, one of the examples would be the
22 support members meeting, supporting the
23 general assembly.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:00:34.488)

Case Clip(s) Detailed Report
 Sunday, November 18, 2018, 10:48:15 AM

KoreanNoodles

 Ahn, Soo Chang (Vol. 02) - 01/13/2016

1 CLIP (RUNNING 00:07:55.717)

 Ahn Redirect

SA011316RD

38 SEGMENTS (RUNNING 00:07:55.717)



1. PAGE 79:03 TO 79:05 (RUNNING 00:00:09.921)

03 Q. So, Mr. Ahn, would you please
 04 read again the answer that you gave at
 05 18A.

2. PAGE 79:06 TO 79:08 (RUNNING 00:00:14.046)

06 A. "This is not this witness'
 07 signature. An administrative assistant
 08 attended and signed on my behalf."

3. PAGE 84:25 TO 85:02 (RUNNING 00:00:11.138)

25 But my question is on this
 00085:01
 02 specific answer, Answer 18A, isn't it true

4. PAGE 85:03 TO 85:05 (RUNNING 00:00:14.290)

03 that the signature is not your signature,
 04 but the staff member participated and
 05 signed on your behalf?

5. PAGE 85:15 TO 85:22 (RUNNING 00:00:29.409)

15 A. What this states is that what --
 16 it says that the assistant attended and
 17 signed on my behalf. That doesn't mean
 18 that I was not there. I was there.
 19 And -- but this states that the assistant
 20 signed on my behalf. It doesn't mean that
 21 he's the only one who attended this
 22 meeting.

6. PAGE 97:04 TO 97:10 (RUNNING 00:00:46.897)

04 Q. Mr. Ahn, do you think it is
 05 possible that the portion of your
 06 May 6, 2011 witness statement that
 07 discusses what was said at the
 08 March 28, 2001 Ramen assembly might be
 09 based on something other than your own
 10 personal experience?

7. PAGE 97:15 TO 97:16 (RUNNING 00:00:08.461)

15 A. My testimony is based on what I
 16 personally experienced.

8. PAGE 118:17 TO 119:07 (RUNNING 00:00:57.970)

17 A. Let me explain about that. When
 18 I submitted this statement, that's
 19 OTGKR0001685. Oh, I guess that is not the
 20 statement. I'm talking about No. 21,
 21 Exhibit 21, the statement. When we
 22 submitted this statement to Korean Fair
 23 Trade Commission, it seems like that
 24 Korean Fair Trade Commission did not have
 25 a complete understanding as to our

Case Clip(s) Detailed Report

Sunday, November 18, 2018, 10:48:15 AM

KoreanNoodles

00119:01
02 discussion with the government. So I --
03 we included an example, one of the
04 examples in the other statement. So
05 that's why they are not identical. I'm
06 not sure if my explanation suffice. But
07 that's what I can say.

9. PAGE 119:08 TO 119:12 (RUNNING 00:00:16.223)

08 Q. Thank you.
09 Mostly, I'm trying to understand
10 why, when you did that, the references to
11 increasing cost of raw materials were not
12 included.

10. PAGE 119:15 TO 119:18 (RUNNING 00:00:17.345)

15 A. When we talked about the raw
16 material, this was just an example of the
17 situation that we were in when we were
18 talking about price increase. So not

11. PAGE 119:19 TO 119:24 (RUNNING 00:00:15.062)

19 everything should have been -- I mean,
20 needed to be included in here if he
21 briefly mentioned that they would
22 understand what the discussion is about
23 with the government. So that was not
24 necessary.

12. PAGE 163:20 TO 163:23 (RUNNING 00:00:14.343)

20 Sir, was there a time when the
21 Korean government had a law on the books
22 that mandated or controlled the price of
23 Ramen?

13. PAGE 164:04 TO 164:04 (RUNNING 00:00:03.548)

04 A. Yes. There was.

14. PAGE 164:05 TO 164:07 (RUNNING 00:00:07.552)

05 Q. All right. And my understanding
06 is that at some point, that law was
07 withdrawn.

15. PAGE 164:09 TO 164:10 (RUNNING 00:00:04.879)

09 A. The law that controlled the
10 price? What I --

16. PAGE 164:16 TO 164:20 (RUNNING 00:00:16.932)

16 A. What I heard is that it's not
17 that the law was withdrawn, but rather,
18 the negotiation about price with the
19 government, that activity was no longer
20 taking place.

17. PAGE 164:21 TO 164:22 (RUNNING 00:00:11.343)

21 Q. And, sir, when did -- when did
22 this -- when did that occur?

18. PAGE 164:24 TO 165:05 (RUNNING 00:00:39.413)

24 A. I don't remember the year when
25 that happened. So in early 1980s, our
00165:01

Case Clip(s) Detailed Report

Sunday, November 18, 2018, 10:48:15 AM

KoreanNoodles

02 company was one of the companies that
03 negotiated with the government regarding
04 price. And until the mid-to-late '80s, I
05 think that activity continued.

19. PAGE 165:06 TO 165:11 (RUNNING 00:00:16.213)

06 And so after the beef tallow
07 crisis, we lost number one market share
08 position. So once we lost that dominant
09 position, we no longer negotiated with the
10 government. The negotiating party became
11 Nongshim.

20. PAGE 165:12 TO 165:14 (RUNNING 00:00:08.826)

12 So if you ask me when this basis
13 or legal basis was withdrawn, I do not
14 know. My understanding is that even

21. PAGE 165:15 TO 165:17 (RUNNING 00:00:12.635)

15 today, there is a discussion or
16 negotiation with the government as to the
17 maximum price that the company can set.

22. PAGE 165:18 TO 165:21 (RUNNING 00:00:12.312)

18 Q. Okay. And -- but the company --
19 the Ramen noodle companies are free to
20 compete on price below whatever this
21 maximum price is?

23. PAGE 166:02 TO 166:04 (RUNNING 00:00:08.978)

02 A. Of course. The companies can
03 freely compete as long as the price is
04 below that maximum price.

24. PAGE 166:05 TO 166:07 (RUNNING 00:00:10.191)

05 Q. And was that true, to your
06 understanding, for the period of time from
07 2001 until the time you left Samyang?

25. PAGE 166:10 TO 166:10 (RUNNING 00:00:04.251)

10 A. Yes. Yes, that was.

26. PAGE 168:04 TO 168:06 (RUNNING 00:00:06.052)

04 Q. All right. Do you recall being
05 sworn to testify yesterday when you came
06 in for your deposition?

27. PAGE 168:07 TO 168:07 (RUNNING 00:00:01.327)

07 A. Yes.

28. PAGE 168:08 TO 168:09 (RUNNING 00:00:05.531)

08 Q. All right. And you promised to
09 tell the truth at that time, didn't you?

29. PAGE 168:10 TO 168:10 (RUNNING 00:00:02.173)

10 A. Yes, I did.

30. PAGE 168:11 TO 168:13 (RUNNING 00:00:04.726)

11 Q. All right. And when you swore
12 to tell the truth, did you take that
13 obligation seriously?

Case Clip(s) Detailed Report
Sunday, November 18, 2018, 10:48:15 AM

KoreanNoodles

31. PAGE 168:14 TO 168:19 (RUNNING 00:00:08.773)

14 A. Yes.
15 Q. Okay.
16 A. I did.
17 Q. And throughout the two days of
18 testimony, have you -- have you told the
19 truth to us?

32. PAGE 168:20 TO 168:20 (RUNNING 00:00:01.920)

20 A. Yes.

33. PAGE 168:21 TO 168:23 (RUNNING 00:00:07.548)

21 Q. All right. Have you had a
22 chance to reflect on the testimony you
23 have provided here?

34. PAGE 168:24 TO 168:24 (RUNNING 00:00:02.169)

24 A. When?

35. PAGE 168:25 TO 169:02 (RUNNING 00:00:03.513)

25 Q. Well, last night, did you have a
00169:01
02 chance to reflect on your testimony?

36. PAGE 169:03 TO 169:05 (RUNNING 00:00:09.260)

03 A. Well, I did not really reflect
04 because I know that I only testified the
05 truth.

37. PAGE 169:06 TO 169:08 (RUNNING 00:00:07.450)

06 Q. And, sir, is there anything at
07 this point in time about your testimony
08 that you would like to change in any way?

38. PAGE 169:09 TO 169:09 (RUNNING 00:00:03.097)

09 A. No, none whatsoever.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:07:55.717)

COURT EXHIBIT 9a

Case Clip(s) Detailed Report

Haggard

Friday, November 16, 2018, 5:29:25 PM

Case Clip(s) Detailed Report
Friday, November 16, 2018, 5:29:25 PM

Haggard

Haggard, Stephan (Vol. 01) - 09/19/2017 [2706952]

1 CLIP (RUNNING 00:00:49.661)

Do you agree with the following proposition: ...

SH-0919-3506

2 SEGMENTS (RUNNING 00:00:49.661)



1. PAGE 35:06 TO 35:11 (RUNNING 00:00:21.595)

06 Q Do you agree with the following proposition:
07 If it is correct that an aspect of being a chaebol
08 means that decisions are directed by the parent
09 company, the fact of being a chaebol does not
10 determine what the specific directions given will
11 be?

2. PAGE 35:13 TO 35:22 (RUNNING 00:00:28.066)

13 THE WITNESS: Well, that's -- I think that's
14 certainly correct. I mean, that's -- that's
15 unobjectionable because you -- you can't tell
16 exactly what happens within a group unless you study
17 what goes on within a group. So the fact that these
18 are designated and considered in the Korean business
19 press and in the academic literatures -- chaebol
20 doesn't, itself, lead to any particular inference
21 about the way that they might operate. That's
22 something that has to be investigated empirically.


TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:00:49.661)

COURT EXHIBIT 9b

Ottogi

 **Haggard, Stephen (Vol. 01) - 05/18/2017**

1 CLIP (RUNNING 00:01:06.688)

 **67.3-20**

SH11

1 SEGMENT (RUNNING 00:01:06.688)



1. PAGE 67:03 TO 67:20 (RUNNING 00:01:06.688)

03 Q. Likewise, and particularly in paragraph 66 of
04 your declaration, you similarly sent -- excuse me, you
05 similarly said that someone at Ottogi America sent
06 weekly business reports to Ottogi Korea.
07 Likewise, you didn't investigate to see whether
08 that was a one-time event, an occasional event, or an
09 every week event; correct?
10 A. Absolutely fair.
11 But if I can clarify one thing. I didn't find
12 this in any way particularly unusual that a 100 percent
13 foreign-owned subsidiary would be reporting to its
14 parent, and I had no reason to think that this was --
15 reflected any malfeasance or anything nefarious. You
16 would expect that a subsidiary would report information
17 back to its parent. So it didn't seem surprising to me
18 that they would report on a regular basis. But you're
19 correct that I didn't investigate whether those reports
20 were regular.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:01:06.688)

COURT EXHIBIT 10a

Case Clip(s) Detailed Report
 Sunday, November 18, 2018, 10:49:52 AM

KoreanNoodles

 **Seo, Jin Woo (Vol. 01) - 01/21/2016**

1 CLIP (RUNNING 00:27:16.258)



SEOJINWOO-0121

164 SEGMENTS (RUNNING 00:27:16.258)



1. PAGE 7:15 TO 7:20 (RUNNING 00:00:09.669)

15 J A C K I N O H,
 16 having first been duly sworn by
 17 Sharon Lengel, the Notary Public,
 18 interpreted from English to
 19 Korean and from Korean to English
 20 as follows:

2. PAGE 7:21 TO 7:25 (RUNNING 00:00:07.540)

21 J I N-W O O S E O,
 22 having first been duly sworn by
 23 Sharon Lengel, the Notary Public,
 24 was examined and testified as
 25 follows:

3. PAGE 7:21 TO 7:25 (RUNNING 00:00:01.571)

21 J I N-W O O S E O,
 22 having first been duly sworn by
 23 Sharon Lengel, the Notary Public,
 24 was examined and testified as
 25 follows:

4. PAGE 8:19 TO 8:22 (RUNNING 00:00:09.193)

19 Q. Good afternoon, Mr. Seo.
 20 My understanding is that you've
 21 been employed by Samyang since 1992; is
 22 that correct?

5. PAGE 8:23 TO 8:23 (RUNNING 00:00:02.444)

23 A. Yes. That is correct.

6. PAGE 8:24 TO 9:02 (RUNNING 00:00:05.037)

24 Q. All right. And since 2006,
 25 you've been the head of marketing for
 00009:01
 02 Samyang; is that right?

7. PAGE 9:03 TO 9:04 (RUNNING 00:00:06.801)

03 A. As a market -- marketing team
 04 leader.

8. PAGE 11:14 TO 11:16 (RUNNING 00:00:07.423)

14 Q. All right. So is it fair to say
 15 that in July 2006, you started on the
 16 marketing team for Samyang?

9. PAGE 11:17 TO 11:18 (RUNNING 00:00:11.131)

17 A. Yes. I started working for
 18 marketing department as of July 2006.

10. PAGE 11:19 TO 11:20 (RUNNING 00:00:06.710)

19 Q. All right. And did you stay in

Case Clip(s) Detailed Report
Sunday, November 18, 2018, 10:49:52 AM

KoreanNoodles

20 that role through the year 2010?

11. PAGE 11:21 TO 11:21 (RUNNING 00:00:02.273)

21 A. Yes. That's correct.

12. PAGE 11:22 TO 11:24 (RUNNING 00:00:07.391)

22 Q. All right. And tell me what
23 your responsibilities were as the
24 marketing team leader for Samyang.

13. PAGE 11:25 TO 11:25 (RUNNING 00:00:03.314)

25 A. My responsibilities?

14. PAGE 12:02 TO 12:03 (RUNNING 00:00:01.793)

02 Q. Yeah. What were your job
03 duties?

15. PAGE 12:04 TO 12:06 (RUNNING 00:00:28.342)

04 A. New product planning, planning
05 for new products, advertising, and
06 managing prices, among others.

16. PAGE 12:07 TO 12:08 (RUNNING 00:00:06.055)

07 Q. And as marketing team leader,
08 who did you report to, sir?

17. PAGE 12:09 TO 12:12 (RUNNING 00:00:23.347)

09 A. At Samyang Company headquarters,
10 I reported to managing director,
11 Mr. Soo-Chang Ahn, and Ms. Jung-Soo Kim,
12 who was vice president at that time.

18. PAGE 12:15 TO 12:17 (RUNNING 00:00:09.451)

15 Was -- when you started in
16 July 2006, was there a market research
17 department within the marketing team?

19. PAGE 12:18 TO 12:18 (RUNNING 00:00:02.415)

18 A. Yes, there was.

20. PAGE 12:19 TO 12:21 (RUNNING 00:00:07.795)

19 Q. All right. And who -- who --
20 which employees of Samyang were on the
21 market research team in 2006?

21. PAGE 12:22 TO 12:24 (RUNNING 00:00:13.306)

22 A. Jong Moon Yui, assistant section
23 chief. That was his title, job title back
24 then.

22. PAGE 12:25 TO 12:25 (RUNNING 00:00:01.380)

25 Q. Okay. Anybody else?

23. PAGE 13:02 TO 13:03 (RUNNING 00:00:11.593)

02 A. Another employee named Sung Hyuk
03 Cho, but he left the company soon after.

24. PAGE 13:04 TO 13:04 (RUNNING 00:00:01.684)

04 Q. Soon after when, sir?

Case Clip(s) Detailed Report

Sunday, November 18, 2018, 10:49:52 AM

KoreanNoodles

25. PAGE 13:05 TO 13:06 (RUNNING 00:00:05.933)

05 A. I don't remember when he left
06 the company.

26. PAGE 13:07 TO 13:09 (RUNNING 00:00:10.202)

07 Q. Okay. Anybody else work for the
08 market research team between July 2006 and
09 September of 2008?

27. PAGE 13:10 TO 13:11 (RUNNING 00:00:13.164)

10 A. Mr. Sung Hyuk Cho's successor
11 was Kyung Mu Min.

28. PAGE 14:19 TO 14:22 (RUNNING 00:00:06.838)

19 Q. As I understand it, the market
20 research team was disbanded in September
21 of 2008.
22 Is that your recollection?

29. PAGE 14:23 TO 14:23 (RUNNING 00:00:02.621)

23 A. Yes. That's correct.

30. PAGE 14:24 TO 14:25 (RUNNING 00:00:07.347)

24 Q. And why did the market research
25 team get disbanded, from your perspective?

31. PAGE 15:02 TO 15:06 (RUNNING 00:00:24.707)

02 A. It was not possible to conduct
03 the task that is the most important one,
04 which is to collect information from --
05 about competitors and exchange
06 information.

32. PAGE 15:07 TO 15:11 (RUNNING 00:00:14.133)

07 Q. All right. So before
08 September 2008, are you saying that the
09 market research team had been responsible
10 for communicating with Samyang's
11 competitors?

33. PAGE 15:16 TO 15:23 (RUNNING 00:00:35.610)

16 A. That was not the only task that
17 they carried on. I mean, that was some of
18 them. That team was also responsible to
19 find out -- to learn about the trend,
20 market trends, and the market share
21 breakdowns and about our company and also
22 about our competitors. And they also did
23 other work that's related to competitors.

34. PAGE 15:24 TO 16:03 (RUNNING 00:00:14.109)

24 Q. Okay. So why don't we get from
25 you, in your own words, what were the
00016:01
02 responsibilities of the market research
03 team from July 2006 to September of 2008.

35. PAGE 16:04 TO 16:15 (RUNNING 00:01:03.690)

04 A. That department or that team was
05 responsible to research for our company's
06 products that we sell and our productions

Case Clip(s) Detailed Report

Sunday, November 18, 2018, 10:49:52 AM

KoreanNoodles

07 or manufacturing and also the distribution
 08 rates and turnaround rates. Those are
 09 some of the things that they did.
 10 On top of communication with the
 11 competitors, our company's counterparts
 12 would communicate with competitors to
 13 exchange information, and those
 14 information were used -- information was
 15 used to make our company decisions.

36. PAGE 16:16 TO 16:19 (RUNNING 00:00:12.794)

16 Q. What types of information did
 17 the -- was the market research team
 18 responsible for exchanging with Samyang's
 19 competitors?

37. PAGE 16:23 TO 17:02 (RUNNING 00:00:18.303)

23 A. Information concerning new
 24 product launch as well as the period for
 25 price increase. Those types of
 00017:01
 02 information was exchanged.

38. PAGE 17:03 TO 17:06 (RUNNING 00:00:14.894)

03 Q. All right. Were the employees
 04 of the market research team exchanging
 05 with Samyang's competitors advance price
 06 information about Ramen products?

39. PAGE 17:11 TO 17:14 (RUNNING 00:00:21.357)

11 A. That is correct. Before
 12 price -- price increase, they exchanged
 13 information. That was the role that they
 14 played.

40. PAGE 17:20 TO 17:22 (RUNNING 00:00:06.188)

20 Q. Yes. We're talking about sales
 21 of Ramen in the Korean domestic market.
 22 Okay?

41. PAGE 17:23 TO 17:23 (RUNNING 00:00:02.636)

23 A. Yes. That is correct.

42. PAGE 17:24 TO 18:05 (RUNNING 00:00:16.139)

24 Q. All right. And you said earlier
 25 that it was not possible for the market
 00018:01
 02 research team to carry out its functions
 03 after September of 2008.
 04 So can you explain that for us a
 05 little bit more -- in more detail.

43. PAGE 18:06 TO 18:17 (RUNNING 00:00:43.641)

06 A. Before that period, the members
 07 of market research team was not -- were
 08 not aware of the fact that that is an
 09 issue to exchange information. They were
 10 exchanging it, and they did not realize
 11 that that is -- that could be a problem.
 12 But once they realized that that
 13 is a problem, and also the company then --
 14 how should I say -- got rid of or
 15 disbanded that team, so that team that was

Case Clip(s) Detailed Report

Sunday, November 18, 2018, 10:49:52 AM

KoreanNoodles

16 responsible to exchange information was no
17 longer with the company.

44. PAGE 18:18 TO 18:24 (RUNNING 00:00:19.213)

18 Q. Okay. And to be clear, the
19 issue that caused the market research team
20 to be disbanded was the fact that the
21 company no longer wanted the market
22 research team to be communicating with
23 Samyang's competitors about price
24 information; is that right?

45. PAGE 19:05 TO 19:07 (RUNNING 00:00:14.386)

05 A. Because our company, Samyang,
06 deemed that Samyang's employees should not
07 carry out those tasks.

46. PAGE 19:08 TO 19:10 (RUNNING 00:00:05.204)

08 Q. All right. And, specifically,
09 exchanging information about Ramen
10 pricing; correct?

47. PAGE 19:15 TO 19:16 (RUNNING 00:00:07.927)

15 A. That includes Ramen price and
16 new product information.

48. PAGE 19:17 TO 19:22 (RUNNING 00:00:21.918)

17 Q. Okay. During the period from
18 2006, July 2006, when you started, and
19 September of 2008, did you instruct the
20 employees of the market research team to
21 go and contact competitors to collect
22 information about prices and new products?

49. PAGE 19:23 TO 19:23 (RUNNING 00:00:01.828)

23 A. Yes, I did.

50. PAGE 19:24 TO 20:04 (RUNNING 00:00:13.968)

24 Q. All right. And so that we're
25 clear on the record, the competitors of
00020:01
02 Samyang with respect to Ramen are
03 Nongshim, Ottogi, and Korea Yakult;
04 correct?

51. PAGE 20:05 TO 20:05 (RUNNING 00:00:02.148)

05 A. That is correct.

52. PAGE 20:06 TO 20:10 (RUNNING 00:00:13.839)

06 Q. All right. All right. So I
07 understand there was a consideration
08 within Samyang in early 2007 to raise the
09 price of Korean Ramen products; is that
10 right?

53. PAGE 20:14 TO 20:14 (RUNNING 00:00:02.761)

14 A. Yes. That is correct.

54. PAGE 20:15 TO 20:19 (RUNNING 00:00:17.805)

15 Q. All right. And did -- at that
16 time, in early 2007, did you instruct Jong

Case Clip(s) Detailed Report

Sunday, November 18, 2018, 10:49:52 AM

KoreanNoodles

17 Moon Yui to go and collect advance price
 18 information from Samyang's Ramen
 19 competitors?

55. PAGE 20:23 TO 20:23 (RUNNING 00:00:02.183)

23 A. Yes, I did.

56. PAGE 20:24 TO 21:04 (RUNNING 00:00:18.163)

24 Q. Okay. And, sir, did you -- did
 25 you ask Mr. Yui to communicate with
 00021:01
 02 employees of Nongshim about their
 03 intentions concerning the pricing of
 04 Korean Ramen in early 2007?

57. PAGE 21:09 TO 21:10 (RUNNING 00:00:15.045)

09 A. Yes. I instructed him to check
 10 price increase information in early 2007.

58. PAGE 21:11 TO 21:11 (RUNNING 00:00:02.422)

11 Q. And specifically from Nongshim?

59. PAGE 21:12 TO 21:12 (RUNNING 00:00:02.656)

12 A. Yes. That's correct.

60. PAGE 21:13 TO 21:13 (RUNNING 00:00:01.546)

13 Q. How about Ottogi?

61. PAGE 21:18 TO 21:22 (RUNNING 00:00:24.261)

18 A. Of course, Nongshim was our
 19 biggest competitor to check such
 20 information. And, of course, I instructed
 21 him to do with respect to Ottogi and Korea
 22 Yakult as well.

62. PAGE 21:23 TO 21:25 (RUNNING 00:00:13.094)

23 Q. Okay. How did you know that
 24 Mr. Yui had a counterpart at Nongshim that
 25 he could ask -- exchange information with?

63. PAGE 22:09 TO 22:17 (RUNNING 00:00:42.762)

09 A. He verbally reported to me that
 10 there is an individual at the other
 11 company who does same type of work at the
 12 competitor's company. In fact, he -- in
 13 fact, I remember that he reported to me --
 14 well, he relayed the information that he
 15 received through his counterpart from the
 16 competitor concerning the price that was
 17 in question and the new product.

64. PAGE 22:24 TO 23:02 (RUNNING 00:00:13.415)

24 Q. Did Mr. Yui inform you that he
 25 was able to get documents concerning
 00023:01
 02 Nongshim's Ramen pricing intentions?

65. PAGE 23:09 TO 23:09 (RUNNING 00:00:04.240)

09 A. Yes. I knew about that.

Case Clip(s) Detailed Report
Sunday, November 18, 2018, 10:49:52 AM

KoreanNoodles

66. PAGE 23:10 TO 23:13 (RUNNING 00:00:10.264)

10 Q. Okay. And did Mr. Yui tell you
11 that he was able to get documents from
12 Nongshim that referenced their pricing
13 intentions with respect to Korean Ramen?

67. PAGE 23:16 TO 23:16 (RUNNING 00:00:02.779)

16 A. Yes. That is correct.

68. PAGE 23:17 TO 23:19 (RUNNING 00:00:07.643)

17 Q. Do you know the name of the
18 Nongshim employee that Mr. Yui was
19 communicating with?

69. PAGE 23:25 TO 24:02 (RUNNING 00:00:05.576)

25 A. Yes. I have heard of that, and
00024:01
02 I am aware of that.

70. PAGE 24:03 TO 24:03 (RUNNING 00:00:00.658)

03 Q. Excellent.

71. PAGE 24:04 TO 24:05 (RUNNING 00:00:01.769)

04 Why don't you tell us who it
05 was.

72. PAGE 24:08 TO 24:09 (RUNNING 00:00:07.948)

08 A. As I recall, that name was Yeo
09 Won Yoon.

73. PAGE 24:10 TO 24:12 (RUNNING 00:00:10.051)

10 Q. And did that individual have an
11 email, to your knowledge, that had
12 "Yeobari"?

74. PAGE 24:17 TO 24:17 (RUNNING 00:00:03.371)

17 A. Yes. I am aware of that.

75. PAGE 24:18 TO 24:20 (RUNNING 00:00:11.462)

18 Q. Did Mr. Yui have a contact that
19 he was exchanging price -- Korean Ramen
20 price information with over at Ottogi?

76. PAGE 25:02 TO 25:02 (RUNNING 00:00:04.885)

02 A. I believe he had.

77. PAGE 25:03 TO 25:04 (RUNNING 00:00:02.181)

03 Q. And do you know the name of that
04 person?

78. PAGE 25:09 TO 25:10 (RUNNING 00:00:07.093)

09 A. My understanding is that his
10 name is Jae Hwan Chung.

79. PAGE 25:11 TO 25:14 (RUNNING 00:00:14.025)

11 Q. And did Mr. Yui have a contact
12 over at Korea Yakult with whom he was
13 exchanging advance price information with
14 respect to Korean Ramen?

Case Clip(s) Detailed Report
Sunday, November 18, 2018, 10:49:52 AM

KoreanNoodles

80. PAGE 25:20 TO 25:21 (RUNNING 00:00:07.328)

20 A. I don't recall precisely. As I
21 sit here, I don't recall.

81. PAGE 25:22 TO 25:23 (RUNNING 00:00:03.937)

22 Q. Do you -- do you know the name
23 Pyung Ki Kim?

82. PAGE 25:24 TO 25:25 (RUNNING 00:00:04.490)

24 A. Yes. Yes. Yes. I believe I
25 heard of that name.

83. PAGE 26:02 TO 26:04 (RUNNING 00:00:06.242)

02 Q. And does that refresh your
03 recollection as who the contact was for
04 Mr. Yui at Korea Yakult?

84. PAGE 26:07 TO 26:07 (RUNNING 00:00:02.437)

07 A. Yes. That is correct.

85. PAGE 26:08 TO 26:12 (RUNNING 00:00:24.763)

08 Q. All right. And so do you have
09 an understanding that Mr. Yui was
10 communicating with Mr. Pyung Ki Kim about
11 Korea Yakult's pricing intentions with
12 respect to Korean Ramen?

86. PAGE 26:18 TO 26:18 (RUNNING 00:00:03.123)

18 A. Yes. That is correct.

87. PAGE 26:19 TO 26:22 (RUNNING 00:00:13.798)

19 Q. Do you have an understanding,
20 with respect to the 2007 time period,
21 early 2007 time period, how frequently was
22 Mr. Yui communicating with Nongshim?

88. PAGE 27:03 TO 27:05 (RUNNING 00:00:12.220)

03 A. I'm not able to quantify, but I
04 believe that communication was frequent
05 one.

89. PAGE 27:06 TO 27:08 (RUNNING 00:00:07.611)

06 Q. Okay. And tell us the ways in
07 which you understand Mr. Yui was
08 communicating with Nongshim.

90. PAGE 27:14 TO 27:16 (RUNNING 00:00:22.253)

14 A. He communicated with the
15 companies in question via email, landline
16 phone, or telephone or in person.

91. PAGE 27:17 TO 27:19 (RUNNING 00:00:06.034)

17 Q. Okay. And the companies in
18 question mean Nongshim, Ottogi, and Korea
19 Yakult; correct?

92. PAGE 27:25 TO 27:25 (RUNNING 00:00:02.915)

25 A. Yes. That's correct.

Case Clip(s) Detailed Report
 Sunday, November 18, 2018, 10:49:52 AM

KoreanNoodles

93. PAGE 28:02 TO 28:03 (RUNNING 00:00:05.683)

02 Q. Okay. Are you aware of the
 03 marketone@hanmail.net account?

94. PAGE 28:07 TO 28:07 (RUNNING 00:00:01.170)

07 A. Yes, I am.

95. PAGE 28:08 TO 28:10 (RUNNING 00:00:04.844)

08 Q. Okay. Why don't you tell us
 09 what the marketone@hanmail.net account was
 10 used for.

96. PAGE 28:15 TO 28:19 (RUNNING 00:00:25.560)

15 A. You can consider it as a company
 16 email account in order to exchange
 17 information for the members market
 18 research team to communicate with its
 19 competitors.

97. PAGE 28:20 TO 28:23 (RUNNING 00:00:11.858)

20 Q. Okay. And were you aware of the
 21 existence of the marketone@hanmail.net
 22 account during the period from July 2006
 23 to September of 2008?

98. PAGE 28:24 TO 28:24 (RUNNING 00:00:03.408)

24 A. Yes. I was aware of that.

99. PAGE 28:25 TO 29:02 (RUNNING 00:00:04.291)

25 Q. Did you use the
 00029:01
 02 marketone@hanmail.net account?

100. PAGE 29:03 TO 29:03 (RUNNING 00:00:03.211)

03 A. No. I have never used it.

101. PAGE 38:22 TO 38:25 (RUNNING 00:00:14.881)

22 Q. Sir, did the market research
 23 team use an external hard drive to store
 24 documents during the period from July 2006
 25 to September 2008?

102. PAGE 39:02 TO 39:02 (RUNNING 00:00:01.986)

02 A. Yes.

103. PAGE 39:03 TO 39:05 (RUNNING 00:00:05.922)

03 Q. Okay. So if we refer to that as
 04 the hard drive, you'll know what we're
 05 speaking about. Okay?

104. PAGE 39:06 TO 39:06 (RUNNING 00:00:01.537)

06 A. Yes.

105. PAGE 39:07 TO 39:08 (RUNNING 00:00:03.531)

07 Q. All right. What was stored on
 08 the hard drive, to your understanding?

106. PAGE 39:13 TO 39:17 (RUNNING 00:00:27.384)

13 A. Although I did not verify all
 14 the files in that hard drive, but my

Case Clip(s) Detailed Report

Sunday, November 18, 2018, 10:49:52 AM

KoreanNoodles

15 understanding is that that hard drive has
16 information related to what market
17 research team did.

107. PAGE 39:18 TO 39:22 (RUNNING 00:00:14.733)

18 Q. Okay. And that -- your
19 understanding is based on your experience
20 as the marketing team leader for the
21 period of time from July 2006 to at least
22 September of 2008; correct?

108. PAGE 40:02 TO 40:02 (RUNNING 00:00:03.214)

02 A. Yes. That is correct.

109. PAGE 40:23 TO 41:03 (RUNNING 00:00:20.348)

23 Q. Okay. Do you know if the market
24 research team was storing material on the
25 hard drive to ensure it had a record of
00041:01
02 the various communications that it had
03 with Samyang's Ramen noodle competitors?

110. PAGE 41:08 TO 41:10 (RUNNING 00:00:13.705)

08 A. Yes. My understanding is that
09 that was the purpose of it, to have the
10 record of the various communications.

111. PAGE 47:03 TO 47:06 (RUNNING 00:00:10.311)

03 Q. All right. But do you know that
04 there's an exchange of information, during
05 the period 2006 to September 2008, between
06 Samyang employees and Ottogi employees?

112. PAGE 47:12 TO 47:12 (RUNNING 00:00:03.531)

12 A. Yes, I do.

113. PAGE 47:13 TO 47:17 (RUNNING 00:00:12.479)

13 Q. Okay. And was the purpose of
14 that exchange of information so that
15 Ottogi could coordinate its pricing with
16 the pricing that Samyang and Nongshim were
17 going to be charging for Korean Ramen?

114. PAGE 47:22 TO 47:22 (RUNNING 00:00:01.908)

22 Q. Was that your understanding?

115. PAGE 47:23 TO 47:23 (RUNNING 00:00:03.123)

23 A. Yes. That is my understanding.

116. PAGE 47:24 TO 47:25 (RUNNING 00:00:03.095)

24 Q. And same question with respect
25 to Korea Yakult.

117. PAGE 48:02 TO 48:06 (RUNNING 00:00:15.135)

02 Was the exchange of information
03 between Samyang and Korea Yakult, in your
04 understanding, so that Korea Yakult could
05 coordinate its pricing for Korean Ramen
06 with that of Samyang?

Case Clip(s) Detailed Report
Sunday, November 18, 2018, 10:49:52 AM

KoreanNoodles

118. PAGE 48:09 TO 48:12 (RUNNING 00:00:20.194)

09 A. I would not characterize it as
10 coordinate, but, rather, it's to have
11 exactly the same price for each other's
12 competing products.

119. PAGE 48:13 TO 48:15 (RUNNING 00:00:08.826)

13 Q. Let's move to 2008.
14 Was there a price increase for
15 Korean Ramen in 2008?

120. PAGE 48:16 TO 48:16 (RUNNING 00:00:02.176)

16 A. Yes, there was.

121. PAGE 48:17 TO 48:18 (RUNNING 00:00:03.725)

17 Q. Okay. And was that in the early
18 part of 2008?

122. PAGE 48:19 TO 48:20 (RUNNING 00:00:08.814)

19 A. Yes. We raised our price in
20 March, to be exact.

123. PAGE 48:21 TO 48:25 (RUNNING 00:00:13.559)

21 Q. Okay. And prior to Samyang
22 raising the price of its Korean Ramen in
23 March of 2008, were there advance
24 communications with Nongshim about Korean
25 Ramen pricing?

124. PAGE 49:06 TO 49:07 (RUNNING 00:00:08.163)

06 A. Yes. Just like in 2007, we
07 exchanged the same type of information.

125. PAGE 49:08 TO 49:10 (RUNNING 00:00:08.873)

08 Q. Okay. And did you begin
09 planning for Samyang's price increase in
10 January of 2008?

126. PAGE 49:11 TO 49:11 (RUNNING 00:00:02.680)

11 A. Yes. That's correct.

127. PAGE 53:21 TO 53:22 (RUNNING 00:00:06.577)

21 Samyang raised Korean Ramen
22 prices in March 2008; right?

128. PAGE 53:23 TO 53:23 (RUNNING 00:00:02.027)

23 A. Yes. That's correct.

129. PAGE 53:24 TO 53:25 (RUNNING 00:00:08.233)

24 Q. And Nongshim also raised Ramen
25 prices in that first quarter of 2008?

130. PAGE 54:02 TO 54:02 (RUNNING 00:00:01.746)

02 A. Yes. That's correct.

131. PAGE 55:02 TO 55:04 (RUNNING 00:00:08.319)

02 And how did you learn that
03 Nongshim intended to raise its Korean
04 Ramen prices in 2008?

Case Clip(s) Detailed Report
Sunday, November 18, 2018, 10:49:52 AM

KoreanNoodles

132. PAGE 55:05 TO 55:09 (RUNNING 00:00:21.389)

05 A. It's somewhat difficult because
06 I'm not clear what time period you are
07 referring to. But are you asking me that,
08 before price increase was announced to the
09 media, how and when I found that out?

133. PAGE 55:10 TO 55:10 (RUNNING 00:00:00.772)

10 Q. Yes.

134. PAGE 55:11 TO 55:12 (RUNNING 00:00:06.413)

11 A. Through our market research
12 team.

135. PAGE 55:13 TO 55:16 (RUNNING 00:00:10.960)

13 Q. All right. And did you have an
14 understanding that the market research
15 team had been in contact with Nongshim
16 employees to get that information?

136. PAGE 55:21 TO 55:21 (RUNNING 00:00:05.173)

21 A. Yes. I was aware of that.

137. PAGE 55:22 TO 55:24 (RUNNING 00:00:08.106)

22 Q. All right. And, sir, did Ottogi
23 also raise its Korean Ramen pricing in
24 2008?

138. PAGE 55:25 TO 55:25 (RUNNING 00:00:02.560)

25 A. Yes, they did too.

139. PAGE 56:02 TO 56:03 (RUNNING 00:00:04.910)

02 Q. And did Korea Yakult also raise
03 its Korean Ramen pricing in 2008?

140. PAGE 56:04 TO 56:04 (RUNNING 00:00:02.009)

04 A. Yes, they did.

141. PAGE 56:05 TO 56:10 (RUNNING 00:00:16.556)

05 Q. Okay. And with respect to
06 Ottogi, were employee -- in 2008, were
07 employees of Samyang communicating in
08 advance of the price increase with
09 employees of Ottogi about what Ottogi's
10 price increase was going to be?

142. PAGE 56:16 TO 56:16 (RUNNING 00:00:05.223)

16 A. Yes, they were.

143. PAGE 56:17 TO 56:18 (RUNNING 00:00:02.874)

17 Q. All right. Same question for
18 Korea Yakult.

144. PAGE 56:21 TO 56:21 (RUNNING 00:00:02.364)

21 A. Yes.

145. PAGE 58:18 TO 58:19 (RUNNING 00:00:03.187)

18 Can you take a look at
19 Exhibit 48, please.

Case Clip(s) Detailed Report
 Sunday, November 18, 2018, 10:49:52 AM

KoreanNoodles

146. PAGE 58:20 TO 58:20 (RUNNING 00:00:01.375)

20 A. Yes.

147. PAGE 59:19 TO 59:21 (RUNNING 00:00:11.151)

19 Q. Okay. So first of all, is this
 20 your signature on the page Bates No.
 21 SYK004396?

148. PAGE 59:22 TO 59:22 (RUNNING 00:00:02.417)

22 A. Yes, it is.

149. PAGE 59:23 TO 59:25 (RUNNING 00:00:10.731)

23 Q. Okay. And do you have a
 24 recollection as to whether you signed this
 25 document in 2010 or in 2011?

150. PAGE 60:02 TO 60:02 (RUNNING 00:00:03.980)

02 A. I signed this document in 2011.

151. PAGE 70:03 TO 70:07 (RUNNING 00:00:14.086)

03 Q. Okay. Do you have an
 04 understanding that Min Kyung Mu was also
 05 communicating with Samyang's Ramen
 06 competitors in the period from July 2006
 07 through September 2008?

152. PAGE 70:13 TO 70:15 (RUNNING 00:00:17.775)

13 A. I don't remember exactly when he
 14 started doing that. But he is the last
 15 one who worked for market research team.

153. PAGE 70:16 TO 70:18 (RUNNING 00:00:10.556)

16 Q. And you understand that Min
 17 Kyung Mu was communicating with Samyang's
 18 Ramen noodle competitors?

154. PAGE 70:23 TO 71:02 (RUNNING 00:00:20.980)

23 A. Since he started being a member
 24 of market research team until the end, as
 25 you stated, he exchanged information with
 00071:01
 02 Samyang's competitors.

155. PAGE 71:03 TO 71:06 (RUNNING 00:00:10.450)

03 Q. Do you have an understanding
 04 that Samyang and its Ramen competitors
 05 were exchanging information about new
 06 product introductions?

156. PAGE 71:10 TO 71:10 (RUNNING 00:00:02.680)

10 A. Yes. That is correct.

157. PAGE 71:11 TO 71:14 (RUNNING 00:00:08.148)

11 Q. And there would be an exchange
 12 of new product information before those
 13 products were released to the market;
 14 correct?

158. PAGE 71:19 TO 71:19 (RUNNING 00:00:02.442)

19 A. Yes.

Case Clip(s) Detailed Report

Sunday, November 18, 2018, 10:49:52 AM

KoreanNoodles

159. PAGE 71:20 TO 71:21 (RUNNING 00:00:02.474)

20 Q. What was the purpose of doing
21 that?

160. PAGE 72:05 TO 72:09 (RUNNING 00:00:26.482)

05 A. Our competitors' new product
06 release has a very close -- is closely
07 linked to our products' launch. So in
08 order to avoid the direct competition, we
09 exchanged such information.

161. PAGE 72:10 TO 72:13 (RUNNING 00:00:14.959)

10 Q. Okay. And did you -- you,
11 Samyang, during the period July 2006 to
12 September 2008, exchange new product
13 information with Nongshim?

162. PAGE 72:18 TO 72:23 (RUNNING 00:00:23.003)

18 A. It's not that we exchanged
19 information the whole time -- I mean,
20 during the period that you indicated, but
21 when each company was launching its new
22 products, we did exchange information
23 concerning respective new products.

163. PAGE 72:24 TO 73:03 (RUNNING 00:00:10.388)

24 Q. Okay. And the companies you're
25 saying exchanged information about new
00073:01
02 products was Samyang with Nongshim,
03 Ottogi, and Korea Yakult?

164. PAGE 73:08 TO 73:16 (RUNNING 00:00:39.321)

08 A. With respect to information
09 exchange concerning new products, we
10 mainly did that with Nongshim. Because
11 Ottogi and Paldo were not very successful
12 with their new product launch, we were not
13 particularly interested in their new
14 products. But I still believe that there
15 was information exchange activities with
16 these two companies as well.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:27:16.258)

Case Clip(s) Detailed Report
Sunday, November 18, 2018, 10:50:13 AM

KoreanNoodles

 **Seo, Jin Woo (Vol. 02) - 01/22/2016**

1 CLIP (RUNNING 00:00:29.122)



SEOJINWOO-0122

2 SEGMENTS (RUNNING 00:00:29.122)



1. PAGE 66:13 TO 66:19 (RUNNING 00:00:26.201)

13 For the period of time from
14 July 2006 through September 2008, are you
15 confident that Mr. Yui was receiving
16 advance information about Nongshim's price
17 intentions before Samyang learned of those
18 pricing intentions from any other source
19 other than directly from Nongshim?

2. PAGE 66:25 TO 66:25 (RUNNING 00:00:02.921)

25 A. Yes. I'm confident.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:00:29.122)

COURT EXHIBIT 10b

Case Clip(s) Detailed Report

WooSEO

Friday, November 16, 2018, 5:43:21 PM

Case Clip(s) Detailed Report
Friday, November 16, 2018, 5:43:21 PM

WooSEO

Seo, Jin woo (Vol. 01) - 01/21/2016

2 CLIPS (RUNNING 00:00:41.958)

MS. MANN: Mr. Seo is appearing ...

JS-0121-0000807

1 SEGMENT (RUNNING 00:00:09.159)



1. PAGE 8:07 TO 8:11 (RUNNING 00:00:09.159)

07 MS. MANN: Mr. Seo is appearing
08 here today in connection with our
09 settlement agreement with the
10 plaintiffs and in response to the
11 30(b)(6) deposition notice served by

In that period of time from 2001 ...

JS-0121-0001106

4 SEGMENTS (RUNNING 00:00:32.799)



1. PAGE 11:06 TO 11:09 (RUNNING 00:00:13.700)

06 Q. In that period of time from 2001
07 to 2006, did you have an opportunity to
08 communicate with employees of Samyang's
09 Ramen competitors?

2. PAGE 11:13 TO 11:13 (RUNNING 00:00:03.000)

13 A. No, I did not.

3. PAGE 37:07 TO 37:10 (RUNNING 00:00:12.869)

07 During the period of time from
08 July 2006 to September 2008, did you ever
09 personally communicate with the employees
10 of Nongshim about Ramen pricing?

4. PAGE 37:11 TO 37:11 (RUNNING 00:00:03.230)

11 A. No, I did not.

Seo, Jin woo (Vol. 01) - 01/22/2016

1 CLIP (RUNNING 00:18:52.459)

Please tell me how you prepared ...

JS-0122-0000925

97 SEGMENTS (RUNNING 00:18:52.459)



1. PAGE 9:25 TO 10:02 (RUNNING 00:00:12.318)

25 Please tell me how you prepared
00010:01 SEO - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 your May 9, 2011, statement to the KFTC.

2. PAGE 10:03 TO 10:12 (RUNNING 00:00:33.721)

03 A. During the period when the price
04 increase occurred, I recorded what I
05 remembered what I did at that time as the
06 marketing team leader. So I refreshed my

Case Clip(s) Detailed Report
Friday, November 16, 2018, 5:43:21 PM

WooSEO

07 memory by looking at the desktop journal
08 that I have and also the notebook that I
09 keep for my work. And also I verified
10 computer files. That was the final task
11 that I did for this. And I personally
12 prepared the statement.

3. PAGE 10:25 TO 11:03 (RUNNING 00:00:09.475)

25 Q. Where did the attachments to
00011:01 SEO - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 your statement come from other than the
03 copies of paper calendars or journals?

4. PAGE 11:04 TO 11:07 (RUNNING 00:00:16.128)

04 A. As I just explained earlier, I
05 used the company's site, the groupware,
06 that has the approval records, and also I
07 referenced the attorney's material.

5. PAGE 11:08 TO 11:09 (RUNNING 00:00:02.414)

08 Q. What attorney's material did you
09 reference?

6. PAGE 11:10 TO 11:10 (RUNNING 00:00:03.000)

10 A. Mr. Sung Man Kim with Lee & Ko.

7. PAGE 16:05 TO 16:05 (RUNNING 00:00:04.153)

05 Q. Please look at page SYK2577.

8. PAGE 16:06 TO 16:07 (RUNNING 00:00:02.131)

06 Did you prepare this page
07 yourself?

9. PAGE 16:08 TO 16:13 (RUNNING 00:00:19.664)

08 A. What do you mean if I prepared
09 this page myself?
10 Q. Well, this page has at least two
11 images and some text.
12 Did you prepare the images and
13 the text?

10. PAGE 16:14 TO 16:16 (RUNNING 00:00:05.873)

14 A. No. I did not personally
15 prepare this document.
16 Q. Do you know who did?

11. PAGE 16:17 TO 16:18 (RUNNING 00:00:02.643)

17 A. I'm not certain. I cannot
18 recall.

12. PAGE 18:06 TO 18:07 (RUNNING 00:00:07.501)

06 Q. Looking at page SYK2579 -- I'm
07 sorry -- 2578, you did not make this page,

13. PAGE 18:07 TO 18:08 (RUNNING 00:00:02.955)

07 sorry -- 2578, you did not make this page,
08 did you?

14. PAGE 18:09 TO 18:11 (RUNNING 00:00:11.981)

09 A. No. I did not personally
10 prepare this particular attachment.

Case Clip(s) Detailed Report
Friday, November 16, 2018, 5:43:21 PM

WooSEO

11 Q. Please look at page SYK2579.

15. PAGE 18:12 TO 18:12 (RUNNING 00:00:01.958)

12 Did you make this page?

16. PAGE 18:13 TO 18:15 (RUNNING 00:00:11.397)

13 A. I did not personally prepare
14 this document.

15 Q. Please look at page SYK2580.

17. PAGE 18:16 TO 18:17 (RUNNING 00:00:02.200)

16 Did you prepare this -- did you
17 make this page?

18. PAGE 18:18 TO 18:21 (RUNNING 00:00:11.048)

18 A. No. This is not a document I
19 personally prepared.

20 Q. Please look at page SYK2581.
21 Did you make that page?

19. PAGE 18:22 TO 18:23 (RUNNING 00:00:02.736)

22 A. I did not personally prepare
23 this document.

20. PAGE 19:09 TO 19:10 (RUNNING 00:00:16.219)

09 Q. Pages 2582 through 2584 are from
10 your personal calendar or diary; correct?

21. PAGE 19:11 TO 19:14 (RUNNING 00:00:42.893)

11 A. This is from my notebook for
12 work, that I use for work.

13 Q. Please look at page SYK2586.
14 Did you make that page?

22. PAGE 19:15 TO 19:16 (RUNNING 00:00:05.975)

15 A. I did not make this personally.
16 Q. Who provided it to you?

23. PAGE 19:17 TO 19:20 (RUNNING 00:00:07.460)

17 A. I received this from Mr. Sung
18 Man Kim.

19 Q. And is the same true for the
20 next page, SYK2587?

24. PAGE 19:21 TO 19:23 (RUNNING 00:00:18.478)

21 A. Yes. That's correct.

22 Q. Skipping ahead to page SYK2590,
23 is the same true as to that page?

25. PAGE 19:24 TO 20:03 (RUNNING 00:00:11.034)

24 A. Yes. I received this from
25 Mr. Sung Man Kim, attorney.

00020:01 SEO - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY

02 Q. Please look at pages SYK2591
03 through 94.

26. PAGE 20:04 TO 20:05 (RUNNING 00:00:03.303)

04 Is that also part of what you
05 received from the company's attorney?

Case Clip(s) Detailed Report
Friday, November 16, 2018, 5:43:21 PM

WooSEO

27. PAGE 20:06 TO 20:06 (RUNNING 00:00:01.650)

06 A. Yes. Correct.

28. PAGE 20:07 TO 20:08 (RUNNING 00:00:12.463)

07 Q. Please look at page SYK2597
08 through 2606.

29. PAGE 20:09 TO 20:10 (RUNNING 00:00:03.750)

09 Are those also pages that were
10 provided to you by the company's counsel?

30. PAGE 20:11 TO 20:15 (RUNNING 00:00:15.445)

11 A. Concerning these documents, I'm
12 not certain whether I personally found
13 these or provided by -- or whether they
14 were provided by our company's counsel or
15 not.

31. PAGE 27:21 TO 27:25 (RUNNING 00:00:22.523)

21 Q. Right. You knew at the
22 beginning of the year 2007 that due to the
23 increases in raw material cost and due to
24 currency exchange, some price increase
25 would be necessary; right?

32. PAGE 28:02 TO 28:02 (RUNNING 00:00:01.401)

02 A. Yes. That is correct.

33. PAGE 28:03 TO 28:04 (RUNNING 00:00:02.939)

03 Q. Now please look at Exhibit 49
04 again.

34. PAGE 30:10 TO 30:12 (RUNNING 00:00:05.603)

10 This is a copy of a fax from
11 Nongshim to its distributors and
12 customers, isn't it, sir?

35. PAGE 30:15 TO 30:15 (RUNNING 00:00:01.420)

15 A. Yes. That's correct.

36. PAGE 39:16 TO 39:20 (RUNNING 00:00:17.734)

16 Q. It's true, isn't it, that in
17 2007 and 2008, many distributors or
18 markets sold to consumers both the
19 Nongshim brands of Ramen and the Samyang
20 brands of Ramen; right?

37. PAGE 39:21 TO 39:23 (RUNNING 00:00:09.921)

21 A. It is -- it is a correct
22 statement when you said that both brands
23 were sold to the same customer group.

38. PAGE 45:20 TO 45:21 (RUNNING 00:00:13.213)

20 Q. Please turn in your statement,
21 which is Exhibit 50, to page SYK002570.

39. PAGE 45:22 TO 45:24 (RUNNING 00:00:05.634)

22 Please look towards the bottom
23 of the page. There's a heading number
24 "4."

Case Clip(s) Detailed Report
Friday, November 16, 2018, 5:43:21 PM

WooSEO

40. PAGE 45:25 TO 46:03 (RUNNING 00:00:04.237)

25 Would you please read that
00046:01 SEO - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 heading and then the rest of the text that
03 appears on that page.

41. PAGE 46:04 TO 46:06 (RUNNING 00:00:04.192)

04 A. Which number 4 are you referring
05 to? The one in the --
06 Q. Near the bottom of the page.

42. PAGE 46:07 TO 46:08 (RUNNING 00:00:01.581)

07 A. So this one you're talking about
08 (indicating)?

43. PAGE 46:09 TO 46:23 (RUNNING 00:01:22.441)

09 No. 4. "2008 Ramen price
10 increase details. While preparing
11 business planning document for 2008, I
12 realized that I had to prepare for the
13 situation of that time. That it was
14 estimated that operating margin was
15 substantially getting lower in 2007, and
16 also starting second half of 2007, the
17 price of raw material was skyrocketed. So
18 starting 2008, I realized that it was
19 necessary to raise the Ramen type price
20 and realized that I had to prepare for
21 that."
22 Q. And, in fact, that was true
23 then, wasn't it?

44. PAGE 46:24 TO 47:03 (RUNNING 00:00:03.926)

24 A. What do you mean what was true
25 then?
00047:01 SEO - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 Q. What you just read was the
03 truth.

45. PAGE 47:04 TO 47:06 (RUNNING 00:00:07.231)

04 A. Yes. It is true.
05 Q. Please turn to the next page,
06 SYK2571.

46. PAGE 47:07 TO 47:11 (RUNNING 00:00:11.486)

07 Would you please read the first
08 three lines on the top of that page. In
09 English, it's two sentences. I don't know
10 if it's one or two in Korean. But it's
11 the three lines on the top of the page.

47. PAGE 47:14 TO 47:16 (RUNNING 00:00:03.254)

14 A. Are you talking about the very
15 first paragraph?
16 Q. Yes, sir.

48. PAGE 47:17 TO 48:04 (RUNNING 00:00:53.373)

17 A. "The business planning document
18 that I prepared at that time had to
19 increase two business planning documents,
20 one that was -- one reflecting the price
21 increase and the other without reflecting

Case Clip(s) Detailed Report
 Friday, November 16, 2018, 5:43:21 PM

WooSEO

22 the price increase, and the situation was
 23 that dire that need -- required to prepare
 24 these two types of planning documents, and
 25 there was a great pressure due to raw
 00048:01 SEO - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 material price; thus, the need to price
 03 increase was greater than any other
 04 years."

49. PAGE 48:05 TO 48:08 (RUNNING 00:00:12.939)

05 Q. And, indeed, wasn't it so great
 06 that you considered that at Samyang, there
 07 was desperation that the price increase
 08 needed to be higher than for other years?

50. PAGE 48:09 TO 48:09 (RUNNING 00:00:01.348)

09 A. Yes. That's correct.

51. PAGE 50:07 TO 50:12 (RUNNING 00:00:30.361)

07 Q. So, Mr. Seo, isn't it true that
 08 the email of February 18, 2008, that you
 09 refer to in your statement, came to
 10 Samyang about two hours after Nongshim had
 11 made a press release, and indeed the story
 12 had been published in the general media?

52. PAGE 50:13 TO 50:19 (RUNNING 00:00:28.494)

13 A. I do not recall which came first
 14 and which came later. But Nongshim raised
 15 its price as of February 20th. And I
 16 received such report on February 18th from
 17 Mr. Jong Moon Yui.
 18 Q. Mr. Seo, please turn to page
 19 SYK2590 in your statement. Please look at

53. PAGE 50:19 TO 50:21 (RUNNING 00:00:05.350)

19 SYK2590 in your statement. Please look at
 20 the box in the right-hand area of the
 21 page. A little more than halfway down in

54. PAGE 50:21 TO 50:24 (RUNNING 00:00:07.452)

21 page. A little more than halfway down in
 22 that box, there's a line that says
 23 "Created on."
 24 Do you see that?

55. PAGE 50:25 TO 51:03 (RUNNING 00:00:06.035)

25 A. Yes.
 00051:01 SEO - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 Q. What is the time and date that
 03 says "Created on"?

56. PAGE 51:04 TO 51:08 (RUNNING 00:00:17.805)

04 A. February 18, 2008, 1:28 p.m.
 05 Q. And now do you recall that, in
 06 fact, the media published a news report
 07 that morning about Nongshim's price
 08 increase?

57. PAGE 51:09 TO 52:08 (RUNNING 00:01:00.296)

09 A. I do not recall that there was
 10 a -- it was published to the media in the
 11 morning.

Case Clip(s) Detailed Report
 Friday, November 16, 2018, 5:43:21 PM

WooSEO

12 MR. DOSKER: Exhibit No. 52 is a
 13 two-page document. Exhibit 52T is a
 14 certified translation of it. I am
 15 handing copies of Exhibit 52 to the
 16 court reporter, the interpreter, and
 17 the witness and to all parties'
 18 counsel.

19 And I am handing copies of
 20 Exhibit 52T to the court reporter, the
 21 interpreter, and all other parties'
 22 counsel.

23
 24
 25
 00052:01 SEO - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 (Exhibit 52, A Yonhap News
 03 article, was hereby marked for
 04 identification, as of this date.)
 05 (Exhibit 52T, Certified English
 06 translation of Exhibit 52, was hereby
 07 marked for identification, as of this
 08 date.)

58. PAGE 52:09 TO 52:11 (RUNNING 00:00:04.042)

09 Q. Mr. Seo, please look at
 10 Exhibit 52. Please look at the first
 11 page.

59. PAGE 52:10 TO 52:11 (RUNNING 00:00:01.710)

10 Exhibit 52. Please look at the first
 11 page.

60. PAGE 52:12 TO 52:13 (RUNNING 00:00:06.949)

12 Does this appear to you to be an
 13 article published in Yonhap News on

61. PAGE 52:13 TO 52:14 (RUNNING 00:00:04.440)

13 article published in Yonhap News on
 14 February 18, 2008, at 11:36 a.m.?

62. PAGE 52:17 TO 52:20 (RUNNING 00:00:09.987)

17 A. Yes. It seems that way.
 18 Q. Does the second page appear to
 19 be a press release from the Nongshim PR
 20 team?

63. PAGE 52:21 TO 52:25 (RUNNING 00:00:35.753)

21 A. Yes, it is.
 22 Q. Did Mr. Yui tell you around noon
 23 on February 18, 2008, that Nongshim had
 24 just announced its price increase to the
 25 general public?

64. PAGE 53:02 TO 53:03 (RUNNING 00:00:05.971)

02 A. February 28th?
 03 Q. No. Sorry. February 18, 2008,

65. PAGE 53:04 TO 53:04 (RUNNING 00:00:01.797)

04 around noon on that day.

66. PAGE 53:05 TO 53:05 (RUNNING 00:00:02.069)

05 A. I do not recall.

Case Clip(s) Detailed Report
Friday, November 16, 2018, 5:43:21 PM

WooSEO

67. PAGE 57:18 TO 57:20 (RUNNING 00:00:09.201)

18 Q. Focusing again on the external
19 hard drive, did you ever store anything
20 yourself on the external hard drive?

68. PAGE 57:21 TO 57:24 (RUNNING 00:00:10.830)

21 A. I do not remember.
22 Q. Did you yourself ever extract
23 any information from the external hard
24 drive?

69. PAGE 57:25 TO 58:05 (RUNNING 00:00:19.830)

25 A. No. I never personally
00058:01 SEO - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 extracted any information.
03 Q. Did you ever look at, on a
04 screen, some of the information stored in
05 the external hard drive?

70. PAGE 58:06 TO 58:06 (RUNNING 00:00:01.344)

06 A. No, never.

71. PAGE 59:17 TO 59:23 (RUNNING 00:00:30.367)

17 Q. Mr. Seo, I will represent to you
18 that earlier this week, in this case, in
19 this room, in that chair, the standing
20 auditor of Samyang's Food Company Limited
21 testified under oath that later, he found
22 that there was a significant amount of
23 pornography on the external hard drive.

72. PAGE 60:06 TO 60:07 (RUNNING 00:00:05.410)

06 Q. And, so, Mr. Seo, I do not mean
07 to offend you in asking the question.

73. PAGE 60:08 TO 60:10 (RUNNING 00:00:05.487)

08 But because of your management
09 position in the area, I just must ask you:
10 Have you ever heard of that before?

74. PAGE 60:11 TO 60:11 (RUNNING 00:00:01.482)

11 A. No, never.

75. PAGE 60:21 TO 60:24 (RUNNING 00:00:14.444)

21 Q. Mr. Seo, during the period of
22 time from July 2006 to September 2008, did
23 you ever personally communicate with the
24 employees of Ottogi about Ramen pricing?

76. PAGE 60:25 TO 61:06 (RUNNING 00:00:17.176)

25 A. No. I never personally
00061:01 SEO - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 communicated with them.
03 Q. During the period of time from
04 July 2006 to September 2008, did you ever
05 personally communicate with the employees
06 of Korea Yakult about Ramen pricing?

77. PAGE 61:07 TO 61:07 (RUNNING 00:00:00.805)

07 A. No.

Case Clip(s) Detailed Report
Friday, November 16, 2018, 5:43:21 PM

WooSEO

78. PAGE 64:13 TO 64:16 (RUNNING 00:00:16.944)

13 Q. You testified a little while ago
14 that there was a significant increase in
15 raw materials in the early 2008 period of
16 time; correct?

79. PAGE 64:17 TO 64:21 (RUNNING 00:00:17.910)

17 A. Yes. That's correct.
18 Q. All right. And that there was
19 some pressure within Samyang to want to
20 increase Ramen prices as a result of the
21 increase in raw material prices; correct?

80. PAGE 64:22 TO 64:24 (RUNNING 00:00:08.513)

22 A. It wasn't the pressure; rather,
23 it was more of our desire or hope because
24 we were in such a dire situation.

81. PAGE 65:13 TO 65:19 (RUNNING 00:00:23.138)

13 Q. So I want to be real clear here.
14 Are you confident that you
15 received price information from Nongshim,
16 directly from Nongshim, before obtaining
17 it from any other source during the period
18 of time from June 2006 through
19 September 2008?

82. PAGE 66:02 TO 66:10 (RUNNING 00:00:33.922)

02 A. I became the marketing team
03 leader as of July of 2006. So that would
04 be more correct to say starting July of
05 2006. Also I did not personally receive
06 information from Nongshim; rather,
07 Mr. Jong Moon Yui -- well, I instructed
08 him to -- to verify Nongshim's price
09 information frequently and verify and
10 report to me.

83. PAGE 67:04 TO 67:05 (RUNNING 00:00:02.202)

04 Q. Mr. Seo, I have a couple of more
05 questions.

84. PAGE 67:06 TO 67:06 (RUNNING 00:00:02.361)

06 Please look at Exhibit 49 on

85. PAGE 67:06 TO 67:08 (RUNNING 00:00:08.841)

06 Please look at Exhibit 49 on
07 this topic of the marking that says "24
08 JAN 2007?"

86. PAGE 67:09 TO 67:12 (RUNNING 00:00:10.495)

09 In your statement to the KFTC,
10 you said that it was your understanding
11 that the fax was received around
12 February 23, 2007; right?

87. PAGE 67:13 TO 67:15 (RUNNING 00:00:04.190)

13 A. Yes. That's correct.
14 Q. And that is still your testimony
15 today here, isn't it?

Case Clip(s) Detailed Report
 Friday, November 16, 2018, 5:43:21 PM

WooSEO

88. PAGE 67:16 TO 67:18 (RUNNING 00:00:08.913)

16 A. Yes.
 17 Q. Please look at the second page
 18 of the two-page document, Exhibit 49.

89. PAGE 67:19 TO 67:20 (RUNNING 00:00:04.501)

19 Please look at the very top right-hand
 20 corner. It says "P2/5."

90. PAGE 67:20 TO 67:20 (RUNNING 00:00:04.893)

20 corner. It says "P2/5."

91. PAGE 67:21 TO 67:21 (RUNNING 00:00:00.905)

21 Do you see that?

92. PAGE 67:22 TO 67:25 (RUNNING 00:00:09.490)

22 A. Yes. I see that.
 23 Q. On the same page, however, in
 24 the bottom right, it says "P3/5."
 25 Do you see that?

93. PAGE 68:02 TO 68:04 (RUNNING 00:00:05.096)

02 A. Yes. I saw that.
 03 Q. Do you have any information
 04 about why that is? If you know. If you

94. PAGE 68:04 TO 68:05 (RUNNING 00:00:01.506)

04 about why that is? If you know. If you
 05 don't know --

95. PAGE 68:06 TO 68:08 (RUNNING 00:00:07.880)

06 A. I assume that there are probably
 07 pages followed by this one, but I have
 08 never seen those pages.

96. PAGE 68:09 TO 68:15 (RUNNING 00:00:23.584)

09 Q. And didn't you say in your
 10 testimony earlier today that your
 11 understanding is that the fax header with
 12 the "24 JAN 2007" was something that you
 13 understood to be an error in either the
 14 sender's fax machine or the recipient's
 15 fax machine; right?

97. PAGE 68:23 TO 69:06 (RUNNING 00:00:23.926)

23 A. Concerning the date that it was
 24 received, I stated that I remember
 25 receiving this fax on or around
 00069:01 SEO - HIGHLY CONFIDENTIAL - ATTY'S EYES ONLY
 02 February 23rd. The date that appears on
 03 top of this fax, as I stated yesterday, it
 04 might be the errors from Nongshim's fax
 05 machines or the Samyang's fax machines. I
 06 do not know that.

TOTAL: 3 CLIPS FROM 2 DEPOSITIONS (RUNNING 00:19:34.417)

COURT EXHIBIT 11a

KoreanNoodles

Yoon, Yeo Won (Vol. 01) - 02/15/2016

1 CLIP (RUNNING 00:12:33.351)

YOONYEOWON-0215

62 SEGMENTS (RUNNING 00:12:33.351)



1. PAGE 7:07 TO 7:16 (RUNNING 00:00:16.237)

07 A L B E R T K I M,
08 the interpreter, having first
09 been duly sworn by Sharon Lengel,
10 the Notary Public, interpreted
11 the testimony as follows:
12 Y E O W O N Y O O N,
13 having first been duly sworn by
14 Sharon Lengel, the Notary Public,
15 was examined and testified as
16 follows:

2. PAGE 7:12 TO 7:16 (RUNNING 00:00:01.973)

12 Y E O W O N Y O O N,
13 having first been duly sworn by
14 Sharon Lengel, the Notary Public,
15 was examined and testified as
16 follows:

3. PAGE 7:25 TO 8:02 (RUNNING 00:00:06.231)

25 Q. Good morning. Are you -- sir,
00008:01
02 are you employed by Nongshim Korea?

4. PAGE 8:03 TO 8:03 (RUNNING 00:00:01.838)

03 A. Yes. Indeed, I am.

5. PAGE 8:04 TO 8:05 (RUNNING 00:00:03.411)

04 Q. Is there any reason why you
05 can't give your best testimony here today?

6. PAGE 8:06 TO 8:06 (RUNNING 00:00:05.024)

06 A. No. I shall testify truthfully.

7. PAGE 8:07 TO 8:08 (RUNNING 00:00:05.251)

07 Q. When is it that you were first
08 employed by Nongshim, please?

8. PAGE 8:09 TO 8:10 (RUNNING 00:00:09.232)

09 A. So it was in November of 1993
10 that I came on board with Nongshim.

9. PAGE 8:11 TO 8:12 (RUNNING 00:00:06.010)

11 Q. And have you worked for Nongshim
12 since November of 1993?

10. PAGE 8:13 TO 8:14 (RUNNING 00:00:05.406)

13 A. Yes. I am still presently
14 serving within Nongshim.

KoreanNoodles

11. PAGE 40:05 TO 40:07 (RUNNING 00:00:08.123)

05 So back in 2007, the
06 distribution investigation team was part
07 of the sales organization; correct?

12. PAGE 40:08 TO 40:08 (RUNNING 00:00:02.603)

08 A. Yes. That's correct.

13. PAGE 49:22 TO 49:22 (RUNNING 00:00:01.625)

22 Who did you know at Samyang?

14. PAGE 49:25 TO 50:06 (RUNNING 00:00:19.463)

25 A. Well, although you haven't
00050:01
02 actually specified the particular
03 timeframe as part of your question, if
04 memory serves, I used to know this one
05 sales guy from Samyang named Jeong Hoon
06 Kim --

15. PAGE 50:09 TO 50:10 (RUNNING 00:00:05.432)

09 A. -- and another fellow by the
10 name of Jong Moon Yui.

16. PAGE 53:02 TO 53:03 (RUNNING 00:00:08.356)

02 Q. To your knowledge, was Jeong
03 Hoon Kim senior to Mr. Yui?

17. PAGE 53:08 TO 53:10 (RUNNING 00:00:07.815)

08 A. Not being a Samyang person,
09 that's beyond my purview. I wouldn't
10 know.

18. PAGE 53:18 TO 53:19 (RUNNING 00:00:03.921)

18 Q. Do you know -- did you know a
19 Kim Kyung-Joo?

19. PAGE 53:22 TO 53:24 (RUNNING 00:00:09.412)

22 A. Boy, I think that's going back
23 to quite some time ago. I think the name
24 I have heard.

20. PAGE 69:09 TO 69:12 (RUNNING 00:00:13.481)

09 Did you ever communicate by way
10 of fax or email with Mr. Yui about
11 Nongshim or Samyang's Korean Ramen sales
12 performance?

21. PAGE 69:17 TO 70:11 (RUNNING 00:01:13.208)

17 A. To answer, I do not recollect
18 anything at all in that regard. And when
19 it comes to that kind of information, when
20 I go out into the market, that was
21 something that I could just easily come to
22 know. And I don't know that I -- I don't
23 recall anything in terms of Mr. Jong Moon
24 Yui -- Director Jong Moon Yui ever making
25 any request of me or inquiry of me.
00070:01
02 But I think there's something in
03 the back of my mind that tells me that

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04 maybe Samyang or Mr. Yui was asking about
 05 our company's already made known,
 06 previously made known sales -- our
 07 company's plans to stimulate sales,
 08 certain plan which had already been made
 09 known out there. He, I think, may have
 10 inquired about that. But, then again, I'm
 11 not sure.

22. PAGE 94:04 TO 94:04 (RUNNING 00:00:02.475)

04 Who is Mr. Choi, sir?

23. PAGE 94:09 TO 94:12 (RUNNING 00:00:08.210)

09 A. Who are you referring to? There
 10 are lots of Chois in Korea.
 11 Q. All right. Is there a Choi
 12 Hyun-Gyoon that you're familiar with?

24. PAGE 95:16 TO 96:07 (RUNNING 00:01:00.948)

16 A. Mind you, there probably are a
 17 number of Hyung-Gyoon Chois out there.
 18 But the one that I am acquainted with --
 19 yeah, there is somebody who used to work
 20 for our company when I was with the
 21 distribution investigation team. He
 22 was --

23 THE INTERPRETER: Interjection.
 24 The interpreter has forgotten the
 25 latter part.

00096:01

02 A. When I was with the distribution
 03 investigation team, there used to be
 04 somebody kind of serving at, you know -- a
 05 lower echelon sort of person by the same
 06 name. I don't know, but are you, per
 07 chance, asking about him?

25. PAGE 96:08 TO 96:10 (RUNNING 00:00:06.317)

08 Q. Mr. Choi that worked at Nongshim
 09 who's sitting across the table over here?
 10 Do you know him?

26. PAGE 96:11 TO 96:11 (RUNNING 00:00:02.302)

11 A. Yes. I know him.

27. PAGE 96:12 TO 96:13 (RUNNING 00:00:01.624)

12 Q. And does he still work at
 13 Nongshim?

28. PAGE 96:14 TO 96:14 (RUNNING 00:00:01.493)

14 A. Yes. That's right.

29. PAGE 96:15 TO 96:16 (RUNNING 00:00:04.710)

15 Q. And did you have occasion to
 16 work with Mr. Choi at Nongshim?

30. PAGE 96:20 TO 96:20 (RUNNING 00:00:03.430)

20 A. Yeah. We worked together.

31. PAGE 115:19 TO 115:21 (RUNNING 00:00:15.490)

19 Q. In the period from 2001 to 2008,
 20 what email addresses did you use for

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21 Nongshim business purposes?

32. PAGE 115:25 TO 116:03 (RUNNING 00:00:12.349)

25 A. So what -- you're asking about
00116:01
02 my email accounts from the years 2001
03 through 2008, did you say?

33. PAGE 116:04 TO 116:04 (RUNNING 00:00:00.494)

04 Q. Yes.

34. PAGE 116:05 TO 116:05 (RUNNING 00:00:06.383)

05 A. At that time, I had a Hanmail --

35. PAGE 116:07 TO 116:07 (RUNNING 00:00:01.094)

07 A. -- account.

36. PAGE 116:08 TO 116:09 (RUNNING 00:00:07.015)

08 Q. All right. And what was your
09 specific email address at Hanmail.net?

37. PAGE 116:10 TO 116:11 (RUNNING 00:00:06.618)

10 A. So you're talking about the --
11 say, the handle, the name up front; right?

38. PAGE 116:12 TO 116:12 (RUNNING 00:00:01.281)

12 Q. That's right. Yes.

39. PAGE 116:13 TO 116:14 (RUNNING 00:00:06.936)

13 A. It was Y-E-O-W-O-N-Y-O-O-N, my
14 own name.

40. PAGE 116:15 TO 116:17 (RUNNING 00:00:11.360)

15 Q. So, then, the complete email
16 address for you was
17 yeowonyoon@hanmail.net; correct?

41. PAGE 116:18 TO 116:18 (RUNNING 00:00:02.605)

18 A. Yes. That's right.

42. PAGE 118:04 TO 118:07 (RUNNING 00:00:11.384)

04 Q. So the only Nongshim.com email
05 address that you can recall using is the
06 sparewon@nongshim.com email; is that
07 right?

43. PAGE 118:08 TO 118:18 (RUNNING 00:00:38.682)

08 A. Well, yeah. But, you know, the
09 thing about my present -- the current
10 email address, which reads
11 sparewon@nongshim.com, see, I lack
12 confidence as to whether there was some
13 interim change or whether I was using that
14 from the very get-go, meaning -- or
15 whether there was something else that I
16 had been previously using or what. I
17 don't have enough confidence -- confidence
18 as to that.

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44. PAGE 134:15 TO 134:16 (RUNNING 00:00:02.973)

15 Q. Did you invite Mr. Yui to your
16 wedding?

45. PAGE 134:19 TO 134:20 (RUNNING 00:00:08.376)

19 A. I cannot recall for certain as
20 to whether I did or didn't invite him.

46. PAGE 177:24 TO 178:02 (RUNNING 00:00:10.481)

24 Q. To your recollection, has
25 anybody ever called you Yeobari?
00178:01
02 Y-E-O-B-A-R-I?

47. PAGE 178:03 TO 178:03 (RUNNING 00:00:02.802)

03 A. Yeobari?

48. PAGE 178:04 TO 178:04 (RUNNING 00:00:00.596)

04 Q. Yes.

49. PAGE 178:05 TO 178:07 (RUNNING 00:00:10.562)

05 A. That is a nickname that some of
06 my buddies back in my college days used to
07 call me by.

50. PAGE 178:08 TO 178:08 (RUNNING 00:00:02.704)

08 Q. Is it a term of endearment?

51. PAGE 178:12 TO 178:17 (RUNNING 00:00:34.102)

12 A. Yeah. I would say it's a --
13 sort of a nickname, as I said, that some
14 of my closest, you know, buddies used to
15 call me by, in a very friendly fashion.
16 Q. And -- and how did you get the
17 nickname Yeobari?

52. PAGE 178:23 TO 180:02 (RUNNING 00:01:21.409)

23 A. So to answer you, again, who
24 knows? I mean, this is a name that my
25 buddies essentially gave me, my closest
00179:01
02 contemporary friends from my college days.
03 But the first syllable, the "Yeo" --
04 THE INTERPRETER: Spelled Y-E-O
05 here.
06 A. -- "Yeo" is from my given name,
07 Yeo Won Yoon, obviously. The "Bari" part,
08 that is -- I don't know quite how the
09 translation or the interpretation ought to
10 go in English. But I think what my
11 friends had in mind was the fact that I
12 was sort of a busy body, kind of, you
13 know, going everywhere, just about, you
14 know, striking up a conversation with this
15 fellow here, that fellow over there, and
16 so forth, sort of like a -- let's call it
17 a -- in Korea, there's a certain puppy
18 which often goes by the name of
19 "Balbari" --
20 THE INTERPRETER: B-A-L-B-A-R-I.
21 A. -- which tends to conjure up an
22 image of a fast-moving sort of fellow.

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23 Okay? So perhaps, you know, that's what
 24 they had in mind. You know, here, I'm
 25 somebody who's gotten, you know -- who
 00180:01
 02 casts a wide net.

53. PAGE 180:03 TO 180:05 (RUNNING 00:00:10.172)

03 Q. Okay. And -- and, sir, have you
 04 ever heard anybody else with the nickname
 05 of Yeobari?

54. PAGE 180:09 TO 180:10 (RUNNING 00:00:05.358)

09 A. I don't quite know what to tell
 10 you.

55. PAGE 180:11 TO 180:15 (RUNNING 00:00:21.758)

11 Q. Have you ever heard of anybody
 12 else nicknamed Yeobari?
 13 A. Oh, have I?
 14 Q. Yeah.
 15 A. No. I don't think I have.

56. PAGE 180:16 TO 180:17 (RUNNING 00:00:06.542)

16 Q. Do you identify yourself as
 17 Yeobari?

57. PAGE 180:18 TO 180:25 (RUNNING 00:00:27.953)

18 A. I don't quite know that I am
 19 that proud of the name or -- not that I'm
 20 ashamed of it, but, you know, this is my
 21 college, let's say, you know, nickname. I
 22 don't know that here, in my adult phase of
 23 life, I would have that confidence to say
 24 to somebody else, "Hey, I'm me, Yeobari."
 25 I don't know.

58. PAGE 181:02 TO 181:04 (RUNNING 00:00:04.183)

02 Q. Okay. Have you ever told
 03 anybody at Samyang that your nickname is
 04 Yeobari?

59. PAGE 181:05 TO 181:08 (RUNNING 00:00:20.905)

05 A. No.
 06 Q. Have you ever used Yeobari --
 07 the nickname, Yeobari, in your
 08 professional career?

60. PAGE 181:09 TO 181:13 (RUNNING 00:00:16.913)

09 A. Well, again, I'm not so sure
 10 that it's one of those names over which I
 11 had a great deal of pride or anything to
 12 the point where I would, say, use it in
 13 any fashion. I -- you know, I don't know.

61. PAGE 184:18 TO 184:20 (RUNNING 00:00:06.323)

18 Q. Okay. And anybody that used to
 19 call you Yeobari -- any of those people
 20 work at Samyang?

62. PAGE 184:25 TO 185:19 (RUNNING 00:00:51.987)

25 A. So that you understand, the
 00185:01

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02 reason why I am emphasizing the fact that
03 these friends, the buddies of mine, are
04 those with whom I was in the same
05 department, the same major, that is -- and
06 this is kind of important because I was in
07 liberal arts. Okay? And we had only a
08 handful of guys, most of them being
09 female.

10 And to my understanding, I do
11 not know -- I am not informed that any of
12 my so-called male buddies ever worked for
13 Samyang; at least I have not been told
14 about anything like that --

15 THE INTERPRETER: Strike.

16 A. At least I have not been -- at
17 least I don't happen to believe that there
18 would be anybody belonging to Samyang who
19 would know of my nickname, Yeobari.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:12:33.351)

KoreanNoodles

Yoon, Yeo Won (Vol. 01) - 02/16/2016**1 CLIP (RUNNING 00:31:51.254)****YOONYEOWON-0216****114 SEGMENTS (RUNNING 00:31:51.254)****1. PAGE 41:25 TO 42:02 (RUNNING 00:00:03.254)**

25 Q. Yeah. Have you had a chance to
00042:01
02 look over Exhibit 54?

2. PAGE 42:10 TO 42:10 (RUNNING 00:00:02.068)

10 What is this document, sir?

3. PAGE 42:11 TO 42:11 (RUNNING 00:00:05.611)

11 A. Is this not an email?

4. PAGE 42:12 TO 42:12 (RUNNING 00:00:01.781)

12 Q. Well, I'm asking you what it is.

5. PAGE 42:13 TO 42:16 (RUNNING 00:00:16.426)

13 A. Okay. Correct. So it would
14 appear to me to be an email that --
15 purports to be an email sent by somebody
16 who looks like me.

6. PAGE 42:17 TO 42:21 (RUNNING 00:00:10.161)

17 Q. Okay. It looks like it was --
18 purports to have been sent by you.
19 How do you know that? What on
20 this document suggests to you that it's an
21 email that was sent by you?

7. PAGE 42:22 TO 43:15 (RUNNING 00:00:56.858)

22 A. Well, I am simply telling you
23 that it appears as if it might be an email
24 given the fact that, for starters, on the
25 front line, it says "Yeobari," and there
00043:01
02 appears to be what is my Hanmail.net email
03 account followed by the "sent" line
04 bearing a particular date with the name of
05 Mr. Jong Moon Yui on the "to" line plus
06 his respective email address, I guess, and
07 the subject line, which essentially says
08 something to the effect that it's for that
09 particular year's -- February -- the month
10 of February sales stimulation measures for
11 Nongshim. And it says that there's an
12 attachment that reads such and such,
13 something about the sales policy for the
14 month of February 2007. That's why I say
15 that.

8. PAGE 44:10 TO 44:14 (RUNNING 00:00:18.550)

10 Q. And what date -- so, sir, does
11 this refresh your recollection, looking at
12 this document, that you sent an email from

KoreanNoodles

13 your Hanmail.net account to Jong Moon Yui
14 on February 5, 2007?

9. PAGE 44:18 TO 44:22 (RUNNING 00:00:16.246)

18 A. I understand that this sets
19 forth something to such effect. However,
20 personally, I do not recollect if I have,
21 in fact, sent such an email to Mr. Yui
22 at -- on such a date.

10. PAGE 44:23 TO 45:04 (RUNNING 00:00:19.407)

23 Q. All right. Well, is there
24 anything about your review of this
25 document that suggests that you didn't
00045:01
02 send an email on February 5, 2007, at
03 11:33 p.m. and 33 seconds to Mr. Jong Moon
04 Yui?

11. PAGE 45:19 TO 45:21 (RUNNING 00:00:06.783)

19 A. I do not recall myself as to
20 whether or not I have, in fact, sent such
21 an email on such a date to such a person.

12. PAGE 46:21 TO 46:23 (RUNNING 00:00:04.999)

21 Q. Okay. Do you see down here the
22 NSK Bates number on the bottom right
23 corner?

13. PAGE 46:24 TO 47:03 (RUNNING 00:00:10.321)

24 A. The, say, digits at the bottom
25 right, you mean?
00047:01
02 Q. Yes.
03 A. Yes. I see it.

14. PAGE 47:04 TO 47:06 (RUNNING 00:00:05.839)

04 Q. And do you understand that that
05 NSK designation means that the document
06 was produced by Nongshim Korea?

15. PAGE 47:07 TO 47:14 (RUNNING 00:00:17.564)

07 A. I don't personally have that
08 kind of an understanding, that just
09 because it starts off by saying "NSK," it
10 means that it was produced by Nongshim
11 Korea. I don't personally know that.
12 Q. You don't know that?
13 Well, I'll represent to you that
14 that is, in fact, the case. Okay?

16. PAGE 47:15 TO 47:18 (RUNNING 00:00:10.396)

15 A. All right.
16 Q. How, if you know, did the
17 document that's been marked as 54 end up
18 in the hands of Nongshim Korea?

17. PAGE 47:23 TO 48:04 (RUNNING 00:00:18.796)

23 A. Well, I wouldn't know myself.
24 But I do recall something about some
25 person within legal asking for my email
00048:01

KoreanNoodles

02 account and ID and password, you know. I
03 don't know when, but I can recall
04 something about that.

18. PAGE 52:19 TO 52:20 (RUNNING 00:00:06.488)

19 Q. All right. Let's move on to the
20 body of the email on Exhibit 54, sir.

19. PAGE 52:21 TO 52:22 (RUNNING 00:00:04.982)

21 Can you please read for us the
22 text of the email.

20. PAGE 52:23 TO 52:25 (RUNNING 00:00:06.506)

23 A. And when you say the text of the
24 body, you mean the three lines here, do
25 you?

21. PAGE 53:02 TO 53:02 (RUNNING 00:00:01.276)

02 Q. Yes, please.

22. PAGE 53:10 TO 53:11 (RUNNING 00:00:08.208)

10 A. "Also, here's wishing good
11 results concerning" --

23. PAGE 53:20 TO 53:20 (RUNNING 00:00:01.874)

20 A. -- "tasteful Ramen" --

24. PAGE 54:02 TO 54:02 (RUNNING 00:00:00.850)

02 A. "Dot, dot, dot."

25. PAGE 54:03 TO 54:06 (RUNNING 00:00:08.660)

03 Q. Thank you.
04 And, sir, do you have a
05 recollection writing those words to
06 Mr. Yui?

26. PAGE 54:11 TO 54:16 (RUNNING 00:00:16.792)

11 A. Well, you know that I've already
12 told you that I can't even recall sending
13 the very email itself. You know, it goes
14 without saying that I am not able to
15 recall anything in terms of the text of
16 the body.

27. PAGE 54:17 TO 54:21 (RUNNING 00:00:08.401)

17 Q. All right. Do you -- can you
18 see there that there's no introduction to
19 the email; you just start right in with
20 "The weather has gotten warmer"?
21 Do you see that?

28. PAGE 54:24 TO 54:24 (RUNNING 00:00:01.833)

24 A. I see it.

29. PAGE 54:25 TO 55:03 (RUNNING 00:00:06.140)

25 Q. Is that the way you normally
00055:01
02 write emails to people that you barely
03 know?

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30. PAGE 55:07 TO 55:13 (RUNNING 00:00:22.970)

07 A. You know, I don't quite know
08 what to tell you in that regard because,
09 here, to begin with, I can't quite
10 recall -- I'm having some difficulty
11 recalling whether or not, to begin with, I
12 have sent an email to somebody I don't
13 quite know.

31. PAGE 55:14 TO 55:14 (RUNNING 00:00:08.256)

14 Q. What is "matitneun Ramen"?

32. PAGE 55:15 TO 55:18 (RUNNING 00:00:14.105)

15 A. I believe that said product is
16 still probably out there, available. I
17 understand it as being a product by or of
18 Samyang.

33. PAGE 55:19 TO 55:21 (RUNNING 00:00:04.506)

19 Q. Samyang.
20 And Mr. Yui worked at Samyang;
21 right?

34. PAGE 55:22 TO 56:02 (RUNNING 00:00:15.855)

22 A. Well, while I figure that there
23 probably is more than one Jong Moon Yui,
24 as you suggest here, I would figure that
25 this particular Jong Moon Yui is the
00056:01
02 fellow named Jong Moon Yui at Samyang.

35. PAGE 57:03 TO 57:05 (RUNNING 00:00:11.497)

03 Q. So, sir, why are -- why are you,
04 in this email, wishing the best result to
05 Mr. Yui regarding tasteful Ramen?

36. PAGE 57:09 TO 57:17 (RUNNING 00:00:29.206)

09 A. Again, I'm repeating myself when
10 I tell you, sir, with due respect, I don't
11 recall if I have, in fact, sent this sort
12 of an email to begin with.
13 And when you ask in terms of why
14 I supposedly wrote this third line about
15 the, you know, product, I don't know what
16 to tell you because I just don't have any
17 recollection.

37. PAGE 70:04 TO 70:05 (RUNNING 00:00:06.842)

04 Let me ask you to take a look at
05 what's been marked as Exhibit 56, please.

38. PAGE 70:06 TO 70:06 (RUNNING 00:00:02.675)

06 A. All right.

39. PAGE 70:07 TO 70:08 (RUNNING 00:00:02.610)

07 Q. And have you had a chance to
08 take a look at it?

40. PAGE 70:09 TO 70:11 (RUNNING 00:00:13.000)

09 A. Yeah. This is rather short. I
10 kind of perused through it, including the

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11 body.

41. PAGE 73:03 TO 73:08 (RUNNING 00:00:25.120)

03 Q. Well, is this -- based on your
04 work for Nongshim, is the balance of
05 probabilities that you sent an email on
06 February 5, 2007, to Jeong Hoon Kim that
07 works at Samyang and is reflected in
08 what's been marked as Exhibit 56?

42. PAGE 73:13 TO 73:25 (RUNNING 00:00:45.409)

13 A. So the way this reads, it says
14 February of 2005 -- or, rather, February
15 of 2007, and from that, while I might
16 gather that it appears to be an email sent
17 from me possibly to one Kim Jeong Hoon,
18 that's all I can see, say, from looking at
19 it. I don't have any actual recollection
20 to such effect.
21 More importantly, while I grant
22 you that there is this possibility that
23 this Jeong Hoon Kim here may be the Jeong
24 Hoon Kim of Samyang, but that's about all
25 I can say. I don't know.

43. PAGE 74:02 TO 74:05 (RUNNING 00:00:18.518)

02 Q. Well, what other Jeong Hoon Kims
03 can you recall emailing about any subject
04 matter at all in -- in or about February
05 of 2007?

44. PAGE 74:09 TO 74:20 (RUNNING 00:00:36.861)

09 A. I believe I'm repeating myself,
10 but, you know, with this name, Jeong Hoon
11 Kim, as I recall, you know, there were
12 other Jeong Hoon Kims throughout my life,
13 be it during middle school, grade school,
14 high school, college. Some of my friends
15 were named as such. I don't know if this
16 Jeong Hoon Kim discussed here is the Jeong
17 Hoon Kim that you're interested in talking
18 about or whether I have ever received some
19 email or emails from some other Jeong Hoon
20 Kim. I cannot recall.

45. PAGE 74:21 TO 75:03 (RUNNING 00:00:26.397)

21 Q. Well, can you recall whether you
22 would have emailed material about
23 Nongshim's February sales policy to any of
24 the Jeong Hoon Kims that you knew in
25 middle school, grade school, high school,
00075:01 college, or some of your other friends in
02 or around February of 2007?
03

46. PAGE 75:08 TO 75:20 (RUNNING 00:00:42.158)

08 A. Sir, I do not recall that I, you
09 know, sent any emails to any of my buddies
10 named Jeong Hoon Kim, you know, from the
11 grade school days through my college days,
12 in or around this February 2007 timeframe.
13 That said, I have agreed with
14 you that there does exist the possibility

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15 that this Jeong Hoon Kim discussed here
 16 might possibly be the Samyang Jeong Hoon
 17 Kim, regarding which fact I can't
 18 necessarily vouchsafe because I myself
 19 lack the confidence that it is one and the
 20 same person. I just can't say it.

47. PAGE 75:21 TO 75:23 (RUNNING 00:00:06.477)

21 Q. All right. Well, let's look at
 22 the subject line of the document.
 23 What does that say?

48. PAGE 75:24 TO 75:25 (RUNNING 00:00:10.231)

24 A. The subject line, it reads,
 25 "'Tis Nongshim."

49. PAGE 76:02 TO 76:04 (RUNNING 00:00:07.210)

02 Q. Do you ever address any of your
 03 friends with subject lines like "It is
 04 Nongshim"?

50. PAGE 76:09 TO 76:15 (RUNNING 00:00:26.029)

09 A. Well, on the one hand, while I
 10 cannot recall whether or not I have ever
 11 sent to any of my friends any email with
 12 the subject line announcing "'Tis
 13 Nongshim" or not, but, you know, I guess
 14 what I can say about this is I may or may
 15 not have.

51. PAGE 76:18 TO 76:20 (RUNNING 00:00:21.831)

18 Any of your friends -- any of
 19 your friends named Jeong Hoon Kim work in
 20 the Ramen business?

52. PAGE 76:23 TO 77:02 (RUNNING 00:00:14.235)

23 A. While I can't quite recall, as
 24 far as my belief goes, I don't think any
 25 of my close buddies actually works within
 00077:01
 02 the Ramen business.

53. PAGE 77:03 TO 77:06 (RUNNING 00:00:15.369)

03 Q. Can you think of any reason why,
 04 in February of 2007, you'd email a
 05 February sales policy document to any of
 06 your buddies named Jeong Hoon Kim?

54. PAGE 77:11 TO 77:16 (RUNNING 00:00:19.014)

11 A. Well, all I can say is that I'm
 12 not sure. I don't know. And I don't know
 13 if this Jeong Hoon Kim is Jeong Hoon Kim
 14 of Samyang or of elsewhere. I just don't
 15 have any recollection, and beyond that, I
 16 can't tell you anything else.

55. PAGE 77:19 TO 77:21 (RUNNING 00:00:10.628)

19 Can you see that the email in
 20 Exhibit 56 was sent at 11:35 p.m. and 8
 21 seconds?

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56. PAGE 77:22 TO 77:24 (RUNNING 00:00:06.257)

22 A. Yes.
 23 Q. All right. Go back and look at
 24 Exhibit 54, would you?

57. PAGE 77:25 TO 77:25 (RUNNING 00:00:02.130)

25 A. I'm looking at it.

58. PAGE 78:02 TO 78:04 (RUNNING 00:00:05.852)

02 Q. All right. Can you see on the
 03 "sent" line that that email was sent at
 04 11:33 and 33 seconds?

59. PAGE 78:05 TO 78:05 (RUNNING 00:00:02.221)

05 A. Yes.

60. PAGE 78:06 TO 78:13 (RUNNING 00:00:37.478)

06 Q. Does the proximity of the
 07 "sent" -- the timestamp on the "sent" line
 08 of the email reflected in 56 to the
 09 stamp -- the time sent stamp line of
 10 Exhibit 54 give you any sort of confidence
 11 that the Jeong Hoon Kim reflected in
 12 Exhibit 56 is the Jeong Hoon Kim that
 13 works at Samyang?

61. PAGE 78:18 TO 78:24 (RUNNING 00:00:25.548)

18 A. I understand that you're saying
 19 that the time lag or gap between the two
 20 emails is less than two minutes. But that
 21 is not enough to lead me to have enough
 22 confidence so as to be able to tell you
 23 that, yes, the Yui here is of Samyang and
 24 the Kim here is of Samyang.

62. PAGE 84:17 TO 84:18 (RUNNING 00:00:06.328)

17 Q. Sir, would you please read the
 18 last two lines of the email.

63. PAGE 84:19 TO 85:02 (RUNNING 00:00:37.187)

19 A. "Hope you adjust well and hope
 20 lots of good things take place in this
 21 year too....."
 22 Next line.
 23 "I am here assuming that there
 24 will be an occasion to have noodles,
 25 quote, 'straight noodles' during the upper
 00085:01
 02 half," smiley, smiley, caret, caret.

64. PAGE 87:10 TO 87:16 (RUNNING 00:00:31.163)

10 Q. Sir, is there -- take a look at
 11 the three lines of text of Exhibit 56.
 12 Tell me in your opinion whether
 13 the language conveys to you a sense of
 14 informality and familiarity between the
 15 writer of the email and the recipient of
 16 the email.

65. PAGE 87:20 TO 88:15 (RUNNING 00:01:10.726)

20 A. I would gather that counsel is

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21 asking that question that based upon the
 22 gist of the content, it is suggestive of a
 23 degree of familiarity. I get it. But as
 24 I behold this, it doesn't quite suggest to
 25 me that there is that degree of closeness
 00088:01
 02 or familiarity, because here, in Korean,
 03 when really close people are talking to
 04 each other, we would employ what's called
 05 the vernacular form of the honorific
 06 language. It's -- it's in the absolute
 07 down-to-earth parlance in Korean in terms
 08 of the register, kind of almost to the
 09 point where you're employing slightly
 10 offensive or rough-and-tough language
 11 amongst guys.
 12 And as I look at this, this does
 13 not suggest to me anything that is out of
 14 the course of business purposes in terms
 15 of any degree of familiarity.

66. PAGE 88:16 TO 88:21 (RUNNING 00:00:20.336)

16 Q. So in the third line of the
 17 email where the reference is to straight
 18 noodles, do you understand that as a
 19 Korean person to have a reference to a
 20 potential marriage of the recipient of the
 21 email?

67. PAGE 88:25 TO 89:06 (RUNNING 00:00:27.762)

25 A. Just looking at the language,
 00089:01
 02 the phraseology in and of itself, in terms
 03 of the Korean mindset, yes, this notion of
 04 "to eat straight noodles" does suggest,
 05 you know, marriage. In all actuality, at
 06 weddings, you eat short beef rib soup.

68. PAGE 90:18 TO 90:21 (RUNNING 00:00:11.600)

18 Q. All right. At the end of the
 19 last sentence, the third -- the third line
 20 of the email, there is a character there.
 21 Do you see that?

69. PAGE 90:22 TO 90:22 (RUNNING 00:00:01.494)

22 A. Yes.

70. PAGE 90:23 TO 90:24 (RUNNING 00:00:09.289)

23 Q. And do you have an understanding
 24 of what those two upside-down V's are?

71. PAGE 90:25 TO 91:05 (RUNNING 00:00:19.148)

25 A. Well, this here is one of those
 00091:01
 02 things that some people use and some
 03 don't, obviously, something amounting to a
 04 smile or -- well, yeah, something like
 05 that.

72. PAGE 91:06 TO 91:08 (RUNNING 00:00:07.026)

06 Q. All right. And when Korean
 07 people use that character, what's the
 08 purpose of that?

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73. PAGE 91:18 TO 92:06 (RUNNING 00:00:51.182)

18 A. I can't speak for anybody else,
 19 really. But to speak about myself, my own
 20 practice is that I don't employ this
 21 upside-down V chevron-type deal when
 22 engaging somebody with whom I'm well
 23 acquainted. I don't do that. Rather, I
 24 might do that and sometimes have done it
 25 when, in fact, dealing with somebody with
 00092:01
 02 whom I'm not so close, somebody I don't
 03 know, somebody with whom I'm maybe
 04 engaging for the first time to kind of --
 05 what -- break the ice, to let the person
 06 know that I mean good will only.

74. PAGE 110:23 TO 110:24 (RUNNING 00:00:04.548)

23 Q. Okay, sir. Please take a look
 24 at what's been marked as Exhibit 59.

75. PAGE 111:02 TO 111:02 (RUNNING 00:00:03.807)

02 Okay. I've gone through it.

76. PAGE 111:03 TO 111:04 (RUNNING 00:00:05.505)

03 Q. Yes. All right.
 04 And what is this document, sir?

77. PAGE 111:05 TO 111:13 (RUNNING 00:00:44.626)

05 A. Likewise, this too states that I
 06 am the one who has sent this, and the date
 07 is March 7, 2007. And the recipient is
 08 shown to be Jong Moon Yui, as indicated in
 09 Korean. The subject line also says "'Tis
 10 Nongshim." It has as an attachment,
 11 something that reads "March 2007 sales
 12 policy" and followed by the body of the
 13 text.

78. PAGE 111:20 TO 111:21 (RUNNING 00:00:12.359)

20 So the sent time on Exhibit 59
 21 is 11:43 and 34 seconds p.m.; correct?

79. PAGE 111:22 TO 111:23 (RUNNING 00:00:08.586)

22 A. That is right, at least in the
 23 way it reads.

80. PAGE 111:24 TO 111:25 (RUNNING 00:00:09.873)

24 Q. Why did you send Jong Moon Yui
 25 this email on March the 7th, 2007?

81. PAGE 112:04 TO 113:04 (RUNNING 00:01:31.295)

04 A. The timestamp here reads
 05 March 7, 2007, 11:43:34 seconds p.m. I
 06 understand. But I do not independently
 07 recollect that I, in fact, have sent this
 08 sort of an email to Mr. Yui.
 09 But aside from that, what I fail
 10 to understand here is this: As in the
 11 previous instances, I see here that the
 12 timeframe is quite late at night. In the
 13 case of 56, it was something like 11:35,
 14 and this one, 59, says it's 11:43.

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15 So speaking as for myself, me
 16 personally, that is, I am someone who
 17 turns in by 11:00, certainly at least
 18 before 11:00. Admittedly, on occasion,
 19 which is rare and far between, when, you
 20 know, having some group dinner for the
 21 company or what have you, I might turn in
 22 a little later than 11:00. But my
 23 sleeping pattern is -- which is pretty
 24 steady -- I turn in before 11:00.
 25 So in view of that, I fail to
 00113:01
 02 understand why, you know, these emails
 03 bear these timestamps. You know, I don't
 04 understand that.

82. PAGE 113:07 TO 113:09 (RUNNING 00:00:11.876)

07 Aside from yourself, back in
 08 2007, who had the password for your
 09 yeowonyoon@hanmail.net account?

83. PAGE 113:12 TO 113:16 (RUNNING 00:00:13.827)

12 A. Not that I can actually recall,
 13 but seeing as how this is -- it's supposed
 14 to be about my personal email, I don't
 15 think anybody other than myself should
 16 have known about that.

84. PAGE 113:20 TO 113:20 (RUNNING 00:00:01.595)

20 What's the subject line say?

85. PAGE 113:21 TO 113:21 (RUNNING 00:00:04.381)

21 A. "'Tis Nongshim..."

86. PAGE 113:22 TO 113:24 (RUNNING 00:00:12.188)

22 Q. Do you ever recall typing those
 23 words on subject line of emails back in
 24 the 2007 time period?

87. PAGE 114:03 TO 114:03 (RUNNING 00:00:03.012)

03 A. That I cannot recall.

88. PAGE 125:04 TO 125:07 (RUNNING 00:00:09.668)

04 Q. And so go back to 59 for a
 05 second.
 06 Would you read for us the second
 07 line of the email.

89. PAGE 125:08 TO 125:12 (RUNNING 00:00:24.777)

08 A. "For our part, we too are going
 09 to be conducting a nationwide survey
 10 beginning on or around March the 20th as
 11 to the state of distribution in re
 12 kunmyonsedae."

90. PAGE 125:13 TO 125:14 (RUNNING 00:00:02.998)

13 Q. And then could you read the next
 14 line for us, please.

91. PAGE 125:15 TO 125:18 (RUNNING 00:00:21.055)

15 A. "As for the survey, I shall be
 16 on two occasions for a period of three

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17 months between March through May..."
 18 Shall I continue?

92. PAGE 125:19 TO 125:19 (RUNNING 00:00:00.625)

19 Q. Yes, please.

93. PAGE 125:20 TO 126:04 (RUNNING 00:00:44.959)

20 A. "We'll be sending, as part of an
 21 overseas trip, incentive sales associates
 22 and branch managers and the head of sales
 23 based upon an evaluation as to the
 24 distribution and performance..."
 25 Next line: "Personnel subject
 00126:01
 02 to evaluation for the overseas trip shall
 03 be around 20 percent of the overall head
 04 count.."

94. PAGE 128:08 TO 128:11 (RUNNING 00:00:18.005)

08 Q. And why, assuming you sent this
 09 email -- why, if that information was
 10 already public, would you send it to Jong
 11 Moon Yui?

95. PAGE 128:16 TO 128:23 (RUNNING 00:00:28.985)

16 A. Well, even were we to assume
 17 that to be the case, you know, what I
 18 can't recall I can't recall. I wouldn't
 19 know as to why I might have done that, if
 20 I had done that, in fact. Me sitting
 21 here, I can't think of why I might have
 22 done that. So my point is I can't
 23 recollect. I don't know what to tell you.

96. PAGE 129:15 TO 129:16 (RUNNING 00:00:03.789)

15 Have you had a chance to take a
 16 look at Exhibit 61?

97. PAGE 129:17 TO 129:17 (RUNNING 00:00:02.515)

17 A. Yes.

98. PAGE 129:18 TO 129:19 (RUNNING 00:00:02.942)

18 Q. All right. Can you describe the
 19 document for us, please.

99. PAGE 129:20 TO 130:06 (RUNNING 00:00:55.533)

20 A. So starting from the top. The
 21 sender is -- well, it bears my email
 22 address. And the date on which it is sent
 23 is the 27th of April 2007 at 10:20 a.m.
 24 And it is said to be sent to Jong Moon
 25 Yui. The subject is "'Tis Nongshim." And
 00130:01
 02 it has as an attachment "Q1 Performance."
 03 And the body has three lines.
 04 Respectively, they read, "I know it's
 05 late.. Have been busy... Have a nice
 06 weekend..."

100. PAGE 130:07 TO 130:09 (RUNNING 00:00:09.132)

07 Q. Does it also have the emoticon
 08 that you discussed earlier on the second

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09 line of the email?

101. PAGE 130:10 TO 130:11 (RUNNING 00:00:08.874)

10 A. Yes. I confirm that you find
11 that there at the end.

102. PAGE 130:12 TO 130:14 (RUNNING 00:00:08.123)

12 Q. All right. So the attachment
13 here is an Excel spreadsheet.
14 Do you see that?

103. PAGE 130:18 TO 130:22 (RUNNING 00:00:19.080)

18 A. Well, as we see where it reads,
19 "Attachments, 1-4 quarter,
20 Q4performance.xls," I understand the
21 ".xls" extension to typically be in
22 reference to an Excel sheet.

104. PAGE 130:23 TO 131:02 (RUNNING 00:00:17.195)

23 Q. All right. So the first line of
24 the email -- well, first of all, do you
25 remember sending this email from your
00131:01
02 Hanmail.net account to Jong Moon Yui?

105. PAGE 131:03 TO 131:11 (RUNNING 00:00:21.322)

03 A. Sir, no. I have no recollection
04 whatsoever of my ever sending this sort of
05 an email to Jong Moon Yui on or around
06 April 27, 2007.
07 Q. Well, how about this type of an
08 email at any point?
09 Do you have any recollection of
10 sending this type of email to Jong Moon
11 Yui at any point?

106. PAGE 131:14 TO 131:17 (RUNNING 00:00:18.034)

14 A. No. I cannot recall my ever
15 sending this type of an email bearing this
16 type of a performance type of, you know,
17 attachment.

107. PAGE 137:17 TO 137:21 (RUNNING 00:00:25.113)

17 Q. Will you admit to us that you're
18 the author of Exhibit 61 and you sent
19 month-by-month Ramen sales data to
20 Mr. Jong Moon Yui on April the 27th, 2007,
21 at 10:20 a.m. and 18 seconds?

108. PAGE 138:04 TO 138:22 (RUNNING 00:00:56.899)

04 A. As we -- as I think I talked
05 about earlier, the way I look at this,
06 you, sir, have been asking if I recall
07 ever sending this sort of a thing to
08 Mr. Yui. And I have told you that I do
09 not recollect.
10 But speaking with respect to
11 this particular timeframe, you asked me to
12 admit that a particular person named Yeo
13 Won Yoon, as it so happens to be, using a
14 "Yeowonyoon" email account, did send to a
15 person named Jong Moon Yui, did you not?
16 You asked me to admit. And I keep telling

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17 you I cannot recollect.
 18 And in view of this, I can't
 19 admit. I'm not about to say yes, that
 20 that's correct, because what I can't
 21 recall I cannot admit. If I were to do
 22 so, I think I would be deceiving myself.

109. PAGE 178:09 TO 178:10 (RUNNING 00:00:05.680)

09 Q. Okay. All right. Let's --
 10 let's look at Exhibit 66, then, sir.

110. PAGE 178:11 TO 178:11 (RUNNING 00:00:02.508)

11 A. I'm looking at it.

111. PAGE 178:15 TO 178:15 (RUNNING 00:00:02.517)

15 Q. What is 66?

112. PAGE 178:16 TO 179:05 (RUNNING 00:01:08.748)

16 A. So starting with the sender, it
 17 is shown as coming from what appears to
 18 be -- what happens to be my email address
 19 sent on May the 3rd, 2007, at 3:18 a.m.,
 20 talking about the wee hours of the night
 21 to a Mr. Yui, Jong Moon Yui. Subject:
 22 "'Tis Nongshim..." Attachment: "May 2007
 23 sales policy.doc."
 24 I'm going to just read all the
 25 way through the body. It says, "Coming in
 00179:01 a little later than the promised
 02 timeframe.. There is no product support
 03 for the present month.. Only overall
 04 revenue support..."

113. PAGE 179:06 TO 179:11 (RUNNING 00:00:26.883)

06 Q. So can you help us understand,
 07 assuming this was an email that you sent
 08 to Jong Moon Yui, what could have been
 09 meant by the first sentence of the email,
 10 "Coming in a little later than promised
 11 timeframe.."

114. PAGE 179:17 TO 180:07 (RUNNING 00:00:51.011)

17 A. As I've been telling you, sir,
 18 around this timeframe, I don't have any
 19 recollection of my ever sending this kind
 20 of an email to Mr. Jong Moon Yui, which is
 21 to say that, concerning the first part of
 22 that paragraph, I have no recollection of
 23 writing that gist, which is to say that
 24 the whole thing just strikes me as being
 25 strange, given the fact that I'm a guy who
 00180:01 has to turn in before 11:00. This one
 02 purports to have been sent out from my
 03 email account, no less, at -- what --
 04 3:18 a.m. This is kind of bothering me
 05 because, you know, as you can see, it just
 06 doesn't gel, does it?

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:31:51.254)

COURT EXHIBIT 11b

Case Clip(s) Detailed Report

Yeo Won Yoon

Friday, November 16, 2018, 5:30:58 PM

Case Clip(s) Detailed Report
Friday, November 16, 2018, 5:30:58 PM

Yeo Won Yoon

Yoon, Yeo W. (Vol. 01) - 02/15/2016

1 CLIP (RUNNING 00:11:48.681)

Okay. So how did you carry out ...

Designations 41 SEGMENTS (RUNNING 00:11:48.681)



1. PAGE 19:06 TO 19:07 (RUNNING 00:00:04.340)

06 Q. Okay. So how did you carry out
07 a market survey?

2. PAGE 19:11 TO 20:04 (RUNNING 00:00:52.148)

11 A. So basically, the way it goes is
12 this: To speak with respect to our
13 clientele, we basically had 7,000 or so
14 parties with whom we transacted business.
15 I'm talking about Nongshim's business
16 partners, if you will, throughout the
17 entire region of South Korea. And then we
18 had about 500 or so specialized parties
19 under contract, you know, a type of
20 distributorship, who would basically sell
21 to certain retail outlets.
22 And I completely focused my
23 energies on basically interfacing with
24 such parties within the market, the 7,000
25 or -- 7,000 or so many channels. And
00020:01 YOON - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 basically, I would gather about basically
03 any and all publicly available information
04 through such sources.

3. PAGE 20:21 TO 20:22 (RUNNING 00:00:10.564)

21 Q. Okay. So while you held the
22 position in which you were doing the

4. PAGE 20:23 TO 20:25 (RUNNING 00:00:00.032)

23 market surveys, did you have any
24 communications at all with anybody
25 employed by Ottogi?

5. PAGE 21:06 TO 22:04 (RUNNING 00:00:59.797)

06 A. Back then, the way I performed
07 my work in terms of market surveys was,
08 basically, I would go into the market,
09 literally at around 10:00 a.m., and I
10 would basically come back at 5:00 p.m.
11 And in the course of the daily
12 conduct of my business, as such, I would
13 interface with the various channels, which
14 would entail discount sales outlets and
15 SSMS, which stands for super supermarket,
16 which is a little smaller than your
17 bigger, you know, outlet-type things. But
18 anyway, I would also call on CVS and the
19 particular distribution parties under
20 special contract who sell to the retail --
21 retailers out there.
22 So in the course of doing that,
23 every now and then, by happenstance, I
24 would sometimes come across folks working

Case Clip(s) Detailed Report
 Friday, November 16, 2018, 5:30:58 PM

Yeo Won Yoon

25 for either Samyang, Ottogi, or even
 00022:01 YOON - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 certain beverage companies or, say,
 03 confectionary companies, just, you know,
 04 out of coincidence.

6. PAGE 22:05 TO 22:07 (RUNNING 00:00:07.764)

05 Q. All right. And back in 1995,
 06 did you ever come across employees of
 07 Paldo or Korea Yakult?

7. PAGE 22:10 TO 23:09 (RUNNING 00:00:53.376)

10 A. No. Nothing really comes to
 11 mind specifically. But I will tell you
 12 that when I go into the market and call
 13 on, let's say, these 500 or so specialized
 14 distributors and so forth, by just pure
 15 coincidence, I might sometimes bump into
 16 certain folks belonging to other
 17 companies.
 18 And by that, what I'm talking
 19 about is how -- these, say, specialized
 20 distributorships -- they weren't dealing
 21 strictly in, let's say, Nongshim products;
 22 for they would deal in Nongshim, Paldo,
 23 Samyang, Ottogi, and what have you.
 24 So because of that, perhaps
 25 sometimes in the course of my trying to
 00023:01 YOON - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 ascertain how well our products were doing
 03 out there, I just might end up bumping
 04 into -- literally just bumping into some
 05 sales guy from some other company. We
 06 might exchange greetings or say hi or
 07 something. But it's not like we had some
 08 prior engagement and say "Let us meet" or
 09 something.

8. PAGE 47:09 TO 47:12 (RUNNING 00:00:08.659)

09 Q. Have you ever interacted in the
 10 course of your employment with Nongshim
 11 with any of the Nongshim America
 12 employees?

9. PAGE 47:16 TO 47:16 (RUNNING 00:00:01.523)

16 A. Not even once.

10. PAGE 47:17 TO 47:17 (RUNNING 00:00:00.038)

17 Q. Sure about that?

11. PAGE 47:21 TO 47:21 (RUNNING 00:00:01.670)

21 A. I'm absolutely certain.

12. PAGE 80:14 TO 80:16 (RUNNING 00:00:10.319)

14 Q. Well, would it surprise you if
 15 you had sent sales goal information to
 16 Mr. Yui at any point in time?

13. PAGE 80:19 TO 80:19 (RUNNING 00:00:00.072)

19 A. As I previously related to you,

Case Clip(s) Detailed Report
 Friday, November 16, 2018, 5:30:58 PM

Yeo Won Yoon

14. PAGE 80:20 TO 81:09 (RUNNING 00:00:49.340)

20 any and all publicly listed companies are
 21 required -- and I'm talking about
 22 food-related sector companies -- they're
 23 required to disclose their sales
 24 performance data by way of the FSC site
 25 every quarter and so forth and so on.
 00081:01 YOON - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 Okay? So such kind of data is made
 03 publicly available.
 04 So in view of that, if you ask
 05 me if I would consider it to be unusual,
 06 for me to have, say, shared that kind of
 07 performance data, if, per chance,
 08 supposing that I did, would I deem that to
 09 be unusual, my personal take on that would

15. PAGE 81:10 TO 81:10 (RUNNING 00:00:00.598)

10 be probably not.

16. PAGE 85:21 TO 85:23 (RUNNING 00:00:06.572)

21 Do you ever communicate with
 22 Mr. Yui at Samyang about the price of
 23 Korean Ramen?

17. PAGE 86:03 TO 86:09 (RUNNING 00:00:23.855)

03 A. May I inquire? By that
 04 question, do you mean to ask if, at such
 05 point in time as when there was going to
 06 be a price increase, have we ever had any
 07 communication with anybody belonging to
 08 the competition about such an increase?
 09 Is that what you're asking me?

18. PAGE 86:10 TO 86:10 (RUNNING 00:00:01.341)

10 Q. Sure. Yes. Tell me about that.

19. PAGE 86:11 TO 87:04 (RUNNING 00:01:00.094)

11 A. So concerning Nongshim's own
 12 price increase, that is something that is
 13 knowable at such point in time as when a
 14 notification is made vis-`-vis the parties
 15 with whom we transact business who number
 16 in, say, the 7,000 or so and/or the 60,000
 17 or so retail shops out there who were
 18 essentially dealt with by the 500 or so
 19 specialized distributorships of ours.
 20 So at such point in time when
 21 notice is thus made, that is when we, for
 22 our part, are able to know about that at
 23 such point in time, and concerning any
 24 price movements on the part of the
 25 transacting -- business-transacting
 00087:01 YOON - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 parties, that is something that we are
 03 able to know about at such point in time
 04 when --

20. PAGE 87:05 TO 87:08 (RUNNING 00:00:04.810)

05 THE INTERPRETER: Actually,
 06 before this last sentence, the
 07 interpreter will restart starting with
 08 the word "and."

Case Clip(s) Detailed Report
Friday, November 16, 2018, 5:30:58 PM

Yeo Won Yoon

21. PAGE 87:09 TO 87:13 (RUNNING 00:00:15.268)

09 A. And concerning any price
10 movement on the part of any other company
11 out there, we are able to ascertain that
12 by way of parties with whom we transact
13 business at such point in time.

22. PAGE 133:10 TO 133:13 (RUNNING 00:00:19.466)

10 Q. Do you have any understanding,
11 sir, why Mr. Yui would be calling you for
12 information if it was already available in
13 the public domain?

23. PAGE 133:18 TO 133:24 (RUNNING 00:00:19.427)

18 A. Quite frankly, I fail to
19 understand why he would do that. I myself
20 am at a loss because this information was
21 made available in the marketplace. It was
22 easily obtainable. So, no, I don't. I
23 have no idea as to why he would contact me
24 to request that information.

24. PAGE 133:25 TO 134:01 (RUNNING 00:00:01.972)

25 Q. Why did you agree to send it to
00134:01 YOON - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY

25. PAGE 134:02 TO 134:02 (RUNNING 00:00:00.012)

02 him?

26. PAGE 134:05 TO 134:14 (RUNNING 00:00:22.476)

05 A. Even myself, I wonder why I
06 agreed to do that. Even as I think about
07 that now, I wonder if it's not simply
08 because, as far as I was concerned, it was
09 information that had already been made
10 publicly available, that anybody had --
11 could gain access to. It constituted
12 nothing of importance as far as I was
13 concerned. I wonder if it wasn't
14 something as simple as that.

27. PAGE 156:09 TO 156:10 (RUNNING 00:00:02.065)

09 Q. How many people were at your
10 wedding?

28. PAGE 156:11 TO 156:13 (RUNNING 00:00:06.286)

11 A. I would say for both the bride
12 as well as the bridegroom, me, altogether,
13 maybe a good 500.

29. PAGE 167:11 TO 167:13 (RUNNING 00:00:06.820)

11 Q. Did you ever find out about what
12 the wholesale price was from anyone at
13 Samyang directly?

30. PAGE 167:18 TO 168:08 (RUNNING 00:00:38.542)

18 A. Perhaps I'm not quite
19 understanding something here, because
20 assuming that we're talking about a
21 particular, say, party who deals in
22 Nongshim as well as Samyang and whatever
23 else, I fail to understand why you would

Case Clip(s) Detailed Report
 Friday, November 16, 2018, 5:30:58 PM

Yeo Won Yoon

24 ask if I would bother to find out anything
 25 about Samyang directly from somebody with
 00168:01 YOON - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 Samyang when, in fact, that kind of
 03 information is easily accessible out
 04 there, even right now as we speak.
 05 Right now, if I were to go out,
 06 I could easily obtain information as to
 07 the wholesale pricing as well as the
 08 choolgo pricing.

31. PAGE 173:11 TO 173:15 (RUNNING 00:00:12.679)

11 Q. Sir, before the break, I was
 12 asking you if you collected the choolgo
 13 information for Nongshim's Ramen
 14 competitors.
 15 Did you do that?

32. PAGE 173:18 TO 173:18 (RUNNING 00:00:00.007)

18 A. The notion of a choolgo price

33. PAGE 173:19 TO 174:11 (RUNNING 00:00:53.935)

19 happens to be something kind of
 20 significant in terms of the parties with
 21 which one transacts business because that
 22 kind of has a bearing upon the potential
 23 need to readjust retail pricing down the
 24 line.
 25 And it is something that is
 00174:01 YOON - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 easily, readily accessible by way of
 03 information already out there in the
 04 marketplace and/or as can be made
 05 accessible by way of the transacting
 06 partners there, such as the, you know,
 07 multiple distributor -- specialized
 08 distributors who deal in more than one
 09 company's products, and with that I have
 10 dealt in the past, finding out through
 11 such entities, yes.

34. PAGE 174:12 TO 174:13 (RUNNING 00:00:18.620)

12 Q. How frequently, during the
 13 period from 2001 through June of 2007, did

35. PAGE 174:14 TO 174:15 (RUNNING 00:00:00.008)

14 you collect choolgo pricing of Nongshim's
 15 Ramen competitors?

36. PAGE 174:19 TO 175:11 (RUNNING 00:00:52.386)

19 A. Concerning that kind of
 20 information, my recollection generally is
 21 that upon learning of the fact that there
 22 has been a price increase on the part of a
 23 competitor, let us say, by way of one of
 24 the parties with whom we transact
 25 business, such as a dual distributor
 00175:01 YOON - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 dealing, for instance, with both Nongshim
 03 as well as Samyang, I, as I recall, have
 04 heard such -- of such news as to a price
 05 increase.
 06 And when it comes to such a,
 07 let's say, dual dealership, handling both

Case Clip(s) Detailed Report
Friday, November 16, 2018, 5:30:58 PM

Yeo Won Yoon

08 Nongshim as well as Samyang, my
09 recollection is that I would find out
10 about such facts by way of them -- by --
11 through these dealers dealing multiple

37. PAGE 175:12 TO 175:12 (RUNNING 00:00:00.233)

12 products.

38. PAGE 175:13 TO 175:13 (RUNNING 00:00:08.225)

13 Q. Did you ever discuss with

39. PAGE 175:14 TO 175:14 (RUNNING 00:00:00.025)

14 Mr. Yui choolgo pricing?

40. PAGE 175:18 TO 175:18 (RUNNING 00:00:02.014)

18 A. If I may repeat myself, it's

41. PAGE 175:19 TO 176:16 (RUNNING 00:01:11.303)

19 like I've been telling you, that there has
20 been a price increase. Whenever such an
21 event would take place, that is something
22 that is, say -- a word of that goes out
23 through the entire country for, let's say,
24 Samyang's own dealerships or
25 distributorships or to such parties
00176:01 YOON - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 dealing in both Samyang as well as
03 Nongshim products, the dual dealers, if
04 you will.
05 And here, for my part, I'm out
06 there in the marketplace from 10:00 a.m.
07 through 5:00 p.m. I get to hear about
08 these things, as I would figure. But for
09 me to have bothered to go by way of
10 Mr. Yui of Samyang, some ten years or so
11 ago, to obtain that kind of information, I
12 don't have any recollection that I did
13 that, nor do I believe that I would
14 necessarily have bothered to obtain that
15 kind of information by way of such a
16 person as Mr. Yui. I highly doubt that.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:11:48.681)

Case Clip(s) Detailed Report

Yeo Won Yoon

Friday, November 16, 2018, 5:32:48 PM

Case Clip(s) Detailed Report
Friday, November 16, 2018, 5:32:48 PM

Yeo Won Yoon

Yoon, Yeo W. (Vol. 01) - 02/15/2016

1 CLIP (RUNNING 00:11:48.681)

Okay. So how did you carry out ...

Designations

41 SEGMENTS (RUNNING 00:11:48.681)



1. PAGE 19:06 TO 19:07 (RUNNING 00:00:04.340)

06 Q. Okay. So how did you carry out
07 a market survey?

2. PAGE 19:11 TO 20:04 (RUNNING 00:00:52.148)

11 A. So basically, the way it goes is
12 this: To speak with respect to our
13 clientele, we basically had 7,000 or so
14 parties with whom we transacted business.
15 I'm talking about Nongshim's business
16 partners, if you will, throughout the
17 entire region of South Korea. And then we
18 had about 500 or so specialized parties
19 under contract, you know, a type of
20 distributorship, who would basically sell
21 to certain retail outlets.
22 And I completely focused my
23 energies on basically interfacing with
24 such parties within the market, the 7,000
25 or -- 7,000 or so many channels. And
00020:01 YOON - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 basically, I would gather about basically
03 any and all publicly available information
04 through such sources.

3. PAGE 20:21 TO 20:22 (RUNNING 00:00:10.564)

21 Q. Okay. So while you held the
22 position in which you were doing the

4. PAGE 20:23 TO 20:25 (RUNNING 00:00:00.032)

23 market surveys, did you have any
24 communications at all with anybody
25 employed by Ottogi?

5. PAGE 21:06 TO 22:04 (RUNNING 00:00:59.797)

06 A. Back then, the way I performed
07 my work in terms of market surveys was,
08 basically, I would go into the market,
09 literally at around 10:00 a.m., and I
10 would basically come back at 5:00 p.m.
11 And in the course of the daily
12 conduct of my business, as such, I would
13 interface with the various channels, which
14 would entail discount sales outlets and
15 SSMS, which stands for super supermarket,
16 which is a little smaller than your
17 bigger, you know, outlet-type things. But
18 anyway, I would also call on CVS and the
19 particular distribution parties under
20 special contract who sell to the retail --
21 retailers out there.
22 So in the course of doing that,
23 every now and then, by happenstance, I
24 would sometimes come across folks working

Case Clip(s) Detailed Report
Friday, November 16, 2018, 5:32:48 PM

Yeo Won Yoon

25 for either Samyang, Ottogi, or even
00022:01 YOON - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 certain beverage companies or, say,
03 confectionary companies, just, you know,
04 out of coincidence.

6. PAGE 22:05 TO 22:07 (RUNNING 00:00:07.764)

05 Q. All right. And back in 1995,
06 did you ever come across employees of
07 Paldo or Korea Yakult?

7. PAGE 22:10 TO 23:09 (RUNNING 00:00:53.376)

10 A. No. Nothing really comes to
11 mind specifically. But I will tell you
12 that when I go into the market and call
13 on, let's say, these 500 or so specialized
14 distributors and so forth, by just pure
15 coincidence, I might sometimes bump into
16 certain folks belonging to other
17 companies.
18 And by that, what I'm talking
19 about is how -- these, say, specialized
20 distributorships -- they weren't dealing
21 strictly in, let's say, Nongshim products;
22 for they would deal in Nongshim, Paldo,
23 Samyang, Ottogi, and what have you.
24 So because of that, perhaps
25 sometimes in the course of my trying to
00023:01 YOON - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 ascertain how well our products were doing
03 out there, I just might end up bumping
04 into -- literally just bumping into some
05 sales guy from some other company. We
06 might exchange greetings or say hi or
07 something. But it's not like we had some
08 prior engagement and say "Let us meet" or
09 something.

8. PAGE 47:09 TO 47:12 (RUNNING 00:00:08.659)

09 Q. Have you ever interacted in the
10 course of your employment with Nongshim
11 with any of the Nongshim America
12 employees?

9. PAGE 47:16 TO 47:16 (RUNNING 00:00:01.523)

16 A. Not even once.

10. PAGE 47:17 TO 47:17 (RUNNING 00:00:00.038)

17 Q. Sure about that?

11. PAGE 47:21 TO 47:21 (RUNNING 00:00:01.670)

21 A. I'm absolutely certain.

12. PAGE 80:14 TO 80:16 (RUNNING 00:00:10.319)

14 Q. Well, would it surprise you if
15 you had sent sales goal information to
16 Mr. Yui at any point in time?

13. PAGE 80:19 TO 80:19 (RUNNING 00:00:00.072)

19 A. As I previously related to you,

Case Clip(s) Detailed Report
 Friday, November 16, 2018, 5:32:48 PM

Yeo Won Yoon

14. PAGE 80:20 TO 81:09 (RUNNING 00:00:49.340)

20 any and all publicly listed companies are
 21 required -- and I'm talking about
 22 food-related sector companies -- they're
 23 required to disclose their sales
 24 performance data by way of the FSC site
 25 every quarter and so forth and so on.
 00081:01 YOON - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 Okay? So such kind of data is made
 03 publicly available.
 04 So in view of that, if you ask
 05 me if I would consider it to be unusual,
 06 for me to have, say, shared that kind of
 07 performance data, if, per chance,
 08 supposing that I did, would I deem that to
 09 be unusual, my personal take on that would

15. PAGE 81:10 TO 81:10 (RUNNING 00:00:00.598)

10 be probably not.

16. PAGE 85:21 TO 85:23 (RUNNING 00:00:06.572)

21 Do you ever communicate with
 22 Mr. Yui at Samyang about the price of
 23 Korean Ramen?

17. PAGE 86:03 TO 86:09 (RUNNING 00:00:23.855)

03 A. May I inquire? By that
 04 question, do you mean to ask if, at such
 05 point in time as when there was going to
 06 be a price increase, have we ever had any
 07 communication with anybody belonging to
 08 the competition about such an increase?
 09 Is that what you're asking me?

18. PAGE 86:10 TO 86:10 (RUNNING 00:00:01.341)

10 Q. Sure. Yes. Tell me about that.

19. PAGE 86:11 TO 87:04 (RUNNING 00:01:00.094)

11 A. So concerning Nongshim's own
 12 price increase, that is something that is
 13 knowable at such point in time as when a
 14 notification is made vis-`-vis the parties
 15 with whom we transact business who number
 16 in, say, the 7,000 or so and/or the 60,000
 17 or so retail shops out there who were
 18 essentially dealt with by the 500 or so
 19 specialized distributorships of ours.
 20 So at such point in time when
 21 notice is thus made, that is when we, for
 22 our part, are able to know about that at
 23 such point in time, and concerning any
 24 price movements on the part of the
 25 transacting -- business-transacting
 00087:01 YOON - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 parties, that is something that we are
 03 able to know about at such point in time
 04 when --

20. PAGE 87:05 TO 87:08 (RUNNING 00:00:04.810)

05 THE INTERPRETER: Actually,
 06 before this last sentence, the
 07 interpreter will restart starting with
 08 the word "and."

Case Clip(s) Detailed Report
Friday, November 16, 2018, 5:32:48 PM

Yeo Won Yoon

21. PAGE 87:09 TO 87:13 (RUNNING 00:00:15.268)

09 A. And concerning any price
10 movement on the part of any other company
11 out there, we are able to ascertain that
12 by way of parties with whom we transact
13 business at such point in time.

22. PAGE 133:10 TO 133:13 (RUNNING 00:00:19.466)

10 Q. Do you have any understanding,
11 sir, why Mr. Yui would be calling you for
12 information if it was already available in
13 the public domain?

23. PAGE 133:18 TO 133:24 (RUNNING 00:00:19.427)

18 A. Quite frankly, I fail to
19 understand why he would do that. I myself
20 am at a loss because this information was
21 made available in the marketplace. It was
22 easily obtainable. So, no, I don't. I
23 have no idea as to why he would contact me
24 to request that information.

24. PAGE 133:25 TO 134:01 (RUNNING 00:00:01.972)

25 Q. Why did you agree to send it to
00134:01 YOON - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY

25. PAGE 134:02 TO 134:02 (RUNNING 00:00:00.012)

02 him?

26. PAGE 134:05 TO 134:14 (RUNNING 00:00:22.476)

05 A. Even myself, I wonder why I
06 agreed to do that. Even as I think about
07 that now, I wonder if it's not simply
08 because, as far as I was concerned, it was
09 information that had already been made
10 publicly available, that anybody had --
11 could gain access to. It constituted
12 nothing of importance as far as I was
13 concerned. I wonder if it wasn't
14 something as simple as that.

27. PAGE 156:09 TO 156:10 (RUNNING 00:00:02.065)

09 Q. How many people were at your
10 wedding?

28. PAGE 156:11 TO 156:13 (RUNNING 00:00:06.286)

11 A. I would say for both the bride
12 as well as the bridegroom, me, altogether,
13 maybe a good 500.

29. PAGE 167:11 TO 167:13 (RUNNING 00:00:06.820)

11 Q. Did you ever find out about what
12 the wholesale price was from anyone at
13 Samyang directly?

30. PAGE 167:18 TO 168:08 (RUNNING 00:00:38.542)

18 A. Perhaps I'm not quite
19 understanding something here, because
20 assuming that we're talking about a
21 particular, say, party who deals in
22 Nongshim as well as Samyang and whatever
23 else, I fail to understand why you would

Case Clip(s) Detailed Report
 Friday, November 16, 2018, 5:32:48 PM

Yeo Won Yoon

24 ask if I would bother to find out anything
 25 about Samyang directly from somebody with
 00168:01 YOON - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 Samyang when, in fact, that kind of
 03 information is easily accessible out
 04 there, even right now as we speak.
 05 Right now, if I were to go out,
 06 I could easily obtain information as to
 07 the wholesale pricing as well as the
 08 choolgo pricing.

31. PAGE 173:11 TO 173:15 (RUNNING 00:00:12.679)

11 Q. Sir, before the break, I was
 12 asking you if you collected the choolgo
 13 information for Nongshim's Ramen
 14 competitors.
 15 Did you do that?

32. PAGE 173:18 TO 173:18 (RUNNING 00:00:00.007)

18 A. The notion of a choolgo price

33. PAGE 173:19 TO 174:11 (RUNNING 00:00:53.935)

19 happens to be something kind of
 20 significant in terms of the parties with
 21 which one transacts business because that
 22 kind of has a bearing upon the potential
 23 need to readjust retail pricing down the
 24 line.
 25 And it is something that is
 00174:01 YOON - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 easily, readily accessible by way of
 03 information already out there in the
 04 marketplace and/or as can be made
 05 accessible by way of the transacting
 06 partners there, such as the, you know,
 07 multiple distributor -- specialized
 08 distributors who deal in more than one
 09 company's products, and with that I have
 10 dealt in the past, finding out through
 11 such entities, yes.

34. PAGE 174:12 TO 174:13 (RUNNING 00:00:18.620)

12 Q. How frequently, during the
 13 period from 2001 through June of 2007, did

35. PAGE 174:14 TO 174:15 (RUNNING 00:00:00.008)

14 you collect choolgo pricing of Nongshim's
 15 Ramen competitors?

36. PAGE 174:19 TO 175:11 (RUNNING 00:00:52.386)

19 A. Concerning that kind of
 20 information, my recollection generally is
 21 that upon learning of the fact that there
 22 has been a price increase on the part of a
 23 competitor, let us say, by way of one of
 24 the parties with whom we transact
 25 business, such as a dual distributor
 00175:01 YOON - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 dealing, for instance, with both Nongshim
 03 as well as Samyang, I, as I recall, have
 04 heard such -- of such news as to a price
 05 increase.
 06 And when it comes to such a,
 07 let's say, dual dealership, handling both

Case Clip(s) Detailed Report
 Friday, November 16, 2018, 5:32:48 PM

Yeo Won Yoon

08 Nongshim as well as Samyang, my
 09 recollection is that I would find out
 10 about such facts by way of them -- by --
 11 through these dealers dealing multiple

37. PAGE 175:12 TO 175:12 (RUNNING 00:00:00.233)

12 products.

38. PAGE 175:13 TO 175:13 (RUNNING 00:00:08.225)

13 Q. Did you ever discuss with

39. PAGE 175:14 TO 175:14 (RUNNING 00:00:00.025)

14 Mr. Yui chooolgo pricing?

40. PAGE 175:18 TO 175:18 (RUNNING 00:00:02.014)

18 A. If I may repeat myself, it's

41. PAGE 175:19 TO 176:16 (RUNNING 00:01:11.303)

19 like I've been telling you, that there has
 20 been a price increase. Whenever such an
 21 event would take place, that is something
 22 that is, say -- a word of that goes out
 23 through the entire country for, let's say,
 24 Samyang's own dealerships or
 25 distributorships or to such parties
 00176:01 YOON - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 dealing in both Samyang as well as
 03 Nongshim products, the dual dealers, if
 04 you will.
 05 And here, for my part, I'm out
 06 there in the marketplace from 10:00 a.m.
 07 through 5:00 p.m. I get to hear about
 08 these things, as I would figure. But for
 09 me to have bothered to go by way of
 10 Mr. Yui of Samyang, some ten years or so
 11 ago, to obtain that kind of information, I
 12 don't have any recollection that I did
 13 that, nor do I believe that I would
 14 necessarily have bothered to obtain that
 15 kind of information by way of such a
 16 person as Mr. Yui. I highly doubt that.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:11:48.681)

COURT EXHIBIT 12a

KoreanNoodles

Choi, Hyun Gyoong (Vol. 01) - 02/17/2016**1 CLIP (RUNNING 00:02:42.089)****CHOIHYUNGYOON-0217****16 SEGMENTS (RUNNING 00:02:42.089)****1. PAGE 7:02 TO 7:11 (RUNNING 00:00:14.808)**

02 A L B E R T K I M,
03 the interpreter, having first
04 been duly sworn by Sharon Lengel,
05 the Notary Public, interpreted
06 the testimony as follows:
07 H Y U N - G Y O O N C H O I,
08 having first been duly sworn by
09 Sharon Lengel, the Notary Public,
10 was examined and testified as
11 follows:

2. PAGE 7:07 TO 7:11 (RUNNING 00:00:01.825)

07 H Y U N - G Y O O N C H O I,
08 having first been duly sworn by
09 Sharon Lengel, the Notary Public,
10 was examined and testified as
11 follows:

3. PAGE 12:21 TO 12:22 (RUNNING 00:00:06.351)

21 Q. When were you first employed by
22 Nongshim?

4. PAGE 12:23 TO 12:24 (RUNNING 00:00:05.810)

23 A. So I came on-board with Nongshim
24 in July of 2002.

5. PAGE 13:06 TO 13:07 (RUNNING 00:00:03.197)

06 Q. And to what department were you
07 assigned?

6. PAGE 13:08 TO 13:10 (RUNNING 00:00:09.121)

08 A. The first department to which I
09 was assigned was the distribution
10 investigation team.

7. PAGE 17:03 TO 17:06 (RUNNING 00:00:10.942)

03 Q. Was Mr. Yoon working with the
04 distribution investigation team at the
05 time you first became employed by
06 Nongshim?

8. PAGE 17:07 TO 17:09 (RUNNING 00:00:09.600)

07 A. And by Mr. Yoon, you are
08 referring to Mr. Yeo Won Yoon who was here
09 two days ago; right?

9. PAGE 17:10 TO 17:10 (RUNNING 00:00:00.437)

10 Q. Correct.

KoreanNoodles

10. PAGE 17:11 TO 17:14 (RUNNING 00:00:09.071)

11 A. Yes. To my recollection, when I
12 came on-board with the distribution
13 investigation team, he was there within
14 the same team.

11. PAGE 21:05 TO 21:06 (RUNNING 00:00:06.796)

05 Q. And do you recall who the team
06 leader was in 2002?

12. PAGE 21:07 TO 21:10 (RUNNING 00:00:12.504)

07 A. Yes. As I recall, when I first
08 came on-board with the distribution
09 investigation team, it was Mr. Hyuk Sung
10 Kim who served as the team leader.

13. PAGE 37:15 TO 37:17 (RUNNING 00:00:11.235)

15 Q. Okay. When you first received a
16 desktop, did you receive an email address
17 at Nongshim?

14. PAGE 37:18 TO 38:06 (RUNNING 00:00:35.573)

18 A. Well, no. I forget whether this
19 is something that's handled by the general
20 affairs department or not. But it's not
21 like you get a PC assigned and, at the
22 same time, you get an email account. No.
23 As one comes on-board as a new
24 hire within the company, you are assigned
25 a certain employee number, and, at the
00038:01
02 same time, they say, "Look, you know, jot
03 out whatever email address you'd like to
04 have." And that more or less immediately
05 becomes your email address. That's the
06 way things go.

15. PAGE 40:18 TO 40:19 (RUNNING 00:00:03.014)

18 Q. What email address did you
19 select for yourself?

16. PAGE 40:20 TO 40:25 (RUNNING 00:00:21.805)

20 A. It happens to be the same email
21 address that I presently use, which is
22 comprised of my English initials, "CHK,"
23 followed by the year 2002, because that
24 was the year that I came on-board with the
25 company, so chk2002@nongshim.com.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:02:42.089)

KoreanNoodles

Choi, Hyun Gyoon (Vol. 01) - 02/18/2016**1 CLIP (RUNNING 00:07:04.540)****CHOIHYUNGYOON-0218****18 SEGMENTS (RUNNING 00:07:04.540)****1. PAGE 43:02 TO 43:06 (RUNNING 00:00:27.741)**

02 MR. BIRKHAUSER: We are going
03 to mark as Exhibit 69 a document that
04 bears the Bates Nos. OTGKR0001411
05 through OTGKR0001416 and, as
06 Exhibit 69T, its translation.

2. PAGE 56:06 TO 56:08 (RUNNING 00:00:14.217)

06 Q. And what I'm getting at is that
07 my question is did you write your name on
08 the last page of Exhibit 69?

3. PAGE 56:11 TO 56:16 (RUNNING 00:00:29.876)

11 A. Assuming this was the way the
12 KFTC does things, I would place my
13 fingerprint in a number of places. As I
14 recall, it was a few times. And it seems
15 to me that it's possible I may have
16 written my name in.

4. PAGE 57:06 TO 57:08 (RUNNING 00:00:13.293)

06 Q. Can you please read the two
07 lines of text that appear above your name
08 and the thumbprint.

5. PAGE 58:05 TO 58:14 (RUNNING 00:01:12.689)

05 A. "Having had the testifier review
06 the above protocol, said person indicating
07 that there is no misrecording and/or
08 additions or subtractions or anything else
09 requiring a change, the said person has
10 been required to sign, having placed his
11 print" -- "having" --
12 THE INTERPRETER: Strike.
13 A. "Having placed his print in an
14 interspersed fashion."

6. PAGE 60:15 TO 60:17 (RUNNING 00:00:05.427)

15 Do you recognize your
16 handwriting on the last page of 69,
17 Exhibit 69?

7. PAGE 60:18 TO 61:04 (RUNNING 00:01:00.559)

18 A. As I look at this, it may or may
19 not be, as far as I'm concerned. But more
20 importantly, it is true that after the
21 investigation concluded, I did put my name
22 on, as well as my fingerprints on, the
23 document that I was provided with at the
24 end. And I just told you that I basically
25 got out as soon as I, you know, wrote that
00061:01
02 and all that. To be fair, I don't know

KoreanNoodles

03 if, I guess, my attorney signed first or
04 whether I signed first before I left.

8. PAGE 61:05 TO 61:08 (RUNNING 00:00:24.864)

05 Q. Do you have any -- do you have
06 any reason to believe that the handwriting
07 on the last page of Exhibit 69 next to the
08 first thumbprint is not your handwriting?

9. PAGE 61:11 TO 62:03 (RUNNING 00:00:53.418)

11 A. So that you understand where I'm
12 coming from, I am not necessarily denying
13 anything about this being or not being my
14 handwriting. Again, they gave the
15 document to me after printing it out, and
16 I really, you know, didn't go through the
17 contents.

18 But seeing as how there was a
19 place where one could write his name in, I
20 probably wrote in my name. And I did
21 place my thumbprints here, there. I don't
22 mean to refute anything here. I'm simply
23 saying that on that document as was
24 printed out and given to me that day, I
25 did place my name and fingerprints. I am

00062:01
02 not trying to say that this isn't my
03 handwriting or what.

10. PAGE 64:04 TO 64:05 (RUNNING 00:00:10.037)

04 Q. Can you read for me the first
05 question on the second page of Exhibit 69.

11. PAGE 64:06 TO 64:08 (RUNNING 00:00:13.802)

06 A. "Has the witness ever collected
07 information pertaining to the
08 competition?"

12. PAGE 64:09 TO 64:11 (RUNNING 00:00:06.608)

09 Q. And can you read for me the
10 answer to the first question on the second
11 page of Exhibit 69.

13. PAGE 64:12 TO 64:12 (RUNNING 00:00:02.570)

12 A. "Yes."

14. PAGE 64:13 TO 64:14 (RUNNING 00:00:09.861)

13 Q. Can you read for me the second
14 question on the same page on Exhibit 69.

15. PAGE 64:15 TO 64:16 (RUNNING 00:00:12.239)

15 A. "What kind of information did
16 you collect and from whom?"

16. PAGE 64:17 TO 64:18 (RUNNING 00:00:03.641)

17 Q. And can you read for me the
18 answer to that question.

17. PAGE 64:24 TO 65:08 (RUNNING 00:00:43.578)

24 A. "From Yui Jong Moon of Samyang
25 and Kyung Mu Min of Samyang, I was
00065:01

KoreanNoodles

02 provided with material on revenue,
03 material on policies, as well as
04 information on new products. On occasion,
05 I'd meet in person, get to hear things
06 orally or receive emails or be provided
07 with such via the telephone. This was
08 done on an irregular basis. If and when

18. PAGE 65:11 TO 65:16 (RUNNING 00:00:20.120)

11 A. "If and when there would be a
12 request from Samyang to inform them as to
13 some kind of material, I would provide
14 such, and I too would make a request of
15 Samyang, should I require some
16 information."

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:07:04.540)

COURT EXHIBIT 12b

Case Clip(s) Detailed Report

Choi

Monday, November 19, 2018, 8:37:41 AM

Case Clip(s) Detailed Report
Monday, November 19, 2018, 8:37:41 AM

Choi

Choi, Hyun gyoon (Vol. 01) - 02/17/2016

2 CLIPS (RUNNING 00:03:11.688)

And just so that the record is ...

HC-0217-0000905

6 SEGMENTS (RUNNING 00:01:16.357)



1. PAGE 9:05 TO 9:07 (RUNNING 00:00:06.300)

05 Q. And just so that the record is
06 clear, is your employer Nongshim Company
07 Limited, the Korean entity?

2. PAGE 9:08 TO 9:12 (RUNNING 00:00:09.530)

08 A. Well, as for me, I generally
09 don't pay a whole lot of attention to, you
10 know, what follows that detail end. But
11 in Korean, we call it, yes, Nongshim
12 Company.

3. PAGE 9:17 TO 9:18 (RUNNING 00:00:06.289)

17 Q. Are you aware that Nongshim also
18 has an American business entity?

4. PAGE 9:19 TO 9:23 (RUNNING 00:00:16.270)

19 A. Well, I know about it, yeah.
20 Q. In the course of your employment
21 with Nongshim Korea, have you had any
22 business responsibility for the American
23 entity of Nongshim?

5. PAGE 9:24 TO 10:13 (RUNNING 00:00:36.953)

24 A. No. And, in fact, none of my
25 colleagues -- you know, we call that
00010:01 CHOI - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 U.S.-based entity just Nongshim America.
03 I don't know a single individual there.
04 Frankly, I don't know what they do over
05 there. So there isn't anything I know
06 about.
07 Q. I believe, especially in that
08 case, that my questions today will relate
09 only to Nongshim Company Limited or
10 Nongshim Korea.
11 So if I use "Nongshim" in my
12 questioning, will you understand that to
13 mean the Korean entity?

6. PAGE 10:14 TO 10:14 (RUNNING 00:00:01.015)

14 A. Yes. I understand.

So while employed with the ...

HC-0217-0010516

2 SEGMENTS (RUNNING 00:01:55.331)



1. PAGE 105:16 TO 105:20 (RUNNING 00:00:15.393)

16 Q. So while employed with the
17 distribution investigation team, did you
18 communicate with any of Nongshim's

CONFIDENTIAL

page 1

Case Clip(s) Detailed Report
Monday, November 19, 2018, 8:37:41 AM

Choi

19 competitors in the Korean domestic Ramen
20 market?

2. PAGE 105:24 TO 107:12 (RUNNING 00:01:39.938)

24 A. So I think I might need to
25 relate to you the circumstances here.
00106:01 CHOI - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 So the entire year I'm out
03 there, right -- and we're talking about in
04 the marketplace. When you're out there,
05 you come across literally countless
06 people, far too many as to be counted.
07 We're talking about literally this being a
08 market where people sell and buy things,
09 the hustle and bustle and everything.
10 And the people that I would
11 encounter are the folks from the specialty
12 distributorships -- salespeople,
13 wholesalers. And you ask me would I
14 communicate, have I communicated with
15 people.
16 When you're out there in the
17 market, sometimes you -- when -- you bump
18 into people, and sometimes they are the
19 same people. Sometimes you continue to
20 bump into the same people. Sometimes you
21 might just see a person maybe once or
22 twice and never see the person again. I
23 don't know quite how to understand the
24 notion of "communicate" in this question
25 of yours.
00107:01 CHOI - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 Of course, when you keep seeing
03 the same face a number of times, you want
04 to say, "Hello." You say, "Hey. How are
05 you doing? How's the business?" Maybe
06 along those lines, you know, the niceties.
07 And, you know, this is not just
08 me but all others. But the question is I
09 don't know if that constitutes
10 communication. But it's just one of the
11 things I would do as part of my
12 investigation efforts.

Choi, Hyun gyoon (Vol. 01) - 02/18/2016

3 CLIPS (RUNNING 00:09:31.403)

So you don't recall whether or ...

Part 1

2 SEGMENTS (RUNNING 00:02:22.838)



1. PAGE 9:18 TO 9:24 (RUNNING 00:00:24.486)

18 Q. So you don't recall whether or
19 not you sent Nongshim's business
20 information to Samyang; however, if you
21 did send such information to Samyang, it
22 would have been pricing or promotional
23 policies that were in the open; is that
24 correct?

Case Clip(s) Detailed Report
Monday, November 19, 2018, 8:37:41 AM

Choi

2. PAGE 10:06 TO 12:03 (RUNNING 00:01:58.352)

06 A. Well, since you say that, if I
07 may, I'd like to point out the fact that
08 this is not what I'm thinking. I am, in
09 fact, absolutely certain that that would
10 have been the case, were it such. And by
11 that, the reason why I'm saying that is
12 because you mentioned pricing, for
13 instance.
14 It's like this. If, per chance,
15 Nongshim were to raise its price, then the
16 way it goes is that on that day, at the
17 very same hour, all of our sales
18 associates, indeed, all of our branches,
19 and, you know, as far as I think the way
20 things went, the folks in logistics also
21 all get notified at the very same time via
22 an internal written communicate; so
23 meaning it is all at the same time that
24 everybody, including our transacting
25 partners out there, get to know about
00011:01 CHOI - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 that. In fact, I too would become privy
03 to that information only upon receiving
04 that document.
05 Now, if, let's say, within the
06 market, some guy from some competing
07 company had asked me, "Hey, can I be
08 provided with some information on
09 Nongshim's pricing or something?" I, for
10 my part, am not able to know about
11 anything like that before I myself get to
12 see that particular document. And so if
13 anything were done, then it would most
14 necessarily have been only after that
15 internal communicate had been circulated.
16 And this is not what I'm thinking; this is
17 based upon my actual experience of having
18 served within Nongshim till date.
19 So while it remains unclear as
20 to whether I had met with somebody and who
21 that may have been, what I may have given,
22 the thing is if I had given anything --
23 again, this is not what I'm thinking.
24 This is what I am actually certain of --
25 it would have been only such things as
00012:01 CHOI - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 would have already been widely
03 disseminated.

So, Mr. Choi, what is Exhibit ...

Part 2

12 SEGMENTS (RUNNING 00:06:54.209)



1. PAGE 46:23 TO 46:24 (RUNNING 00:00:06.913)

23 Q. So, Mr. Choi, what is Exhibit
24 69?

2. PAGE 46:25 TO 47:03 (RUNNING 00:00:08.105)

25 A. So, as you will recall, I think
00047:01 CHOI - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 I told you that I was once summoned to

Case Clip(s) Detailed Report
Monday, November 19, 2018, 8:37:41 AM

Choi

03 appear before the KFTC. So I took a look

3. PAGE 47:04 TO 48:16 (RUNNING 00:02:25.351)

04 at this document, which is around three
05 pages.

06 Going back to the circumstances
07 at that time, I was in a closed room. I
08 was very stressed out. And I must
09 reiterate the fact that I'm not the one
10 who wrote this up. This was typed out
11 like this by the two KFTC investigator
12 guys.

13 They were seated in front of me
14 or, rather, I was seated in front of them
15 with my attorney seated behind me who left
16 for a while. There was no stenographer or
17 anything. I would say 100 words; it would
18 all get cut down. This is essentially a
19 summary by the investigators.

20 And I was there for probably a
21 little over an hour, after which they
22 immediately went and just printed this
23 out, stuck it in my face, saying, "Sign it
24 and leave." So there I was thinking, Is
25 this what I said? And, you know, the time
00048:01 CHOI - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 I got to spend on doing that was less than
03 five minutes. The thing is afterwards, I
04 didn't even get a copy, get to have a
05 copy.

06 And whereas this says what it
07 says in the title, the time when I first
08 saw this was -- going by the date here of
09 June 2011, the first time I thereafter got
10 to see this was in 2013, I believe,
11 when -- there before the High Court. So
12 we're talking about the -- after about a
13 year and a half's passage of time when
14 counsel showed me a printed-out copy of
15 this.

16 There's one more thing I would

4. PAGE 48:17 TO 48:17 (RUNNING 00:00:00.041)

17 like to add to that, please, if I may.

5. PAGE 48:18 TO 50:02 (RUNNING 00:01:43.393)

18 Going back to what I was getting at
19 yesterday, I think I would have much more
20 preferred that they showed me something
21 and asked me about things. But instead of
22 that, they are saying, "What is this?"
23 You know?

24 I note here again that this is
25 from 2011. So when these guys were
00049:01 CHOI - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 dressing me down, they were asking me
03 about things from a few years even before
04 that, so the 2002 through 2009 timeframe.
05 So without showing me anything at all,
06 they said, "You did this" and talking
07 amongst between themselves. They're
08 saying, "Yeah. It looks like, you know,
09 the guy -- he was in on it, everything."
10 I see, you know, some -- some
11 expressions here, you know, four, five

Case Clip(s) Detailed Report
Monday, November 19, 2018, 8:37:41 AM

Choi

12 points here. You know, the fact is I
13 wasn't able to recall anything they were
14 asking about. But they're saying, "Hey.
15 You did everything, didn't you?" Like
16 that.
17 Here, way towards the end, on
18 page 483, as I see this, I do recall this.
19 The only thing that they ever showed me
20 was sort of an image cut of a piece of
21 email. And that's the only thing that
22 they ever showed me. And they showed it
23 to me saying, "Why did you send this?"
24 How the hell -- how the heck do
25 I know? I don't know what it is. I don't
00050:01 CHOI - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 know if I sent it.

6. PAGE 52:03 TO 52:07 (RUNNING 00:00:17.223)

03 Q. Can you -- the Exhibit 69
04 contains numbers on the lower right-hand
05 side.
06 Can you turn to the last page of
07 Exhibit 69, which ends in the Nos. 1416.

7. PAGE 52:08 TO 52:10 (RUNNING 00:00:10.901)

08 A. Yes.
09 Q. Is that your signature that
10 appears on page 1416?

8. PAGE 52:11 TO 52:14 (RUNNING 00:00:15.138)

11 A. Well, that's not my signature.
12 But it is correct as being my name.
13 Q. Did you write your name on
14 page 1416?

9. PAGE 52:18 TO 52:22 (RUNNING 00:00:13.706)

18 A. As I said earlier, after we had
19 our discussion, immediately right then and
20 there, they printed this out and said,
21 "Sign it." And so that's why I wrote this
22 in.

10. PAGE 54:20 TO 54:23 (RUNNING 00:00:09.057)

20 Q. Do you see your name in your
21 handwriting on the last page of
22 Exhibit 69?
23 A. So, again, here, I underwent

11. PAGE 54:24 TO 54:24 (RUNNING 00:00:00.030)

24 this investigation. The guy sticks it in

12. PAGE 54:25 TO 56:05 (RUNNING 00:01:24.351)

25 front of me and says, "Sign it." And I
00055:01 CHOI - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 really wasn't in any kind of frame of mind
03 to carefully review things.
04 This was really like what you
05 see on TV. All I wanted to do was just
06 get the darn thing over with and go home.
07 If, now, I were completely by myself, then
08 I suppose -- I'd like to believe that I
09 would have taken my time to carefully
10 review everything. But the attorney who

Case Clip(s) Detailed Report
Monday, November 19, 2018, 8:37:41 AM

Choi

11 said, you know, "Read this" and had left,
12 he -- well, the person came back.
13 And so in view of how there's
14 this attorney -- you know, I'm just a
15 nobody; right? Here's a professional. I
16 just thought it would be inappropriate for
17 me to do anything. I mean, he's a
18 professional. I'm just a salaried
19 employee of a company. I sign if I am
20 asked to sign. I place my thumbprint if
21 I'm asked to place my thumbprint. The
22 entire time it took for that was less than
23 five minutes.
24 Thereafter, I left without being
25 provided a copy. You know, I placed my
00056:01 CHOI - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 fingerprint as I was asked to. And I see
03 some stuff here in the middle. But, you
04 know, I will verify to you that it is
05 correct as being my name.



And what I'm getting at is that ...

Completeness at 5606

1 SEGMENT (RUNNING 00:00:14.356)



1. PAGE 56:06 TO 56:08 (RUNNING 00:00:14.356)

06 Q. And what I'm getting at is that
07 my question is did you write your name on
08 the last page of Exhibit 69?

TOTAL: 5 CLIPS FROM 2 DEPOSITIONS (RUNNING 00:12:43.091)

COURT EXHIBIT 12c

KoreanNoodles

Choi, Hyun Gyoon (Vol. 01) - 02/18/2016

1 CLIP (RUNNING 00:00:47.005)

Redirect

CHOIHYUNGYOON-0218R

2 SEGMENTS (RUNNING 00:00:47.005)



1. PAGE 56:17 TO 56:18 (RUNNING 00:00:08.220)

17 Q. Does your name in your
18 handwriting appear on Exhibit 69?

2. PAGE 56:21 TO 57:05 (RUNNING 00:00:38.785)

21 A. So what I'm trying to tell you
22 is, based upon my recollection, I
23 placed -- what -- my fingerprint on the
24 thing that they showed me. This one here,
25 you know, I don't know if this is mine or
00057:01
02 whose. But they showed me the document
03 there saying, "Sign it and depart." I do
04 recall me placing my name on that plus my
05 fingerprint.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:00:47.005)

COURT EXHIBIT 13a

KoreanNoodles

Park, Jeong-Eun (Vol. 01) - 01/18/2016

1 CLIP (RUNNING 00:24:40.557)

PARKJEONGEUN-0118

118 SEGMENTS (RUNNING 00:24:40.557)



1. PAGE 7:16 TO 7:21 (RUNNING 00:00:16.777)

16 J A C K I N O H,
17 having first been duly sworn by
18 Sharon Lengel, the Notary Public,
19 interpreted from English to
20 Korean and from Korean to English
21 as follows:

2. PAGE 8:02 TO 8:06 (RUNNING 00:00:00.955)

02 J E O N G - E U N P A R K,
03 having first been duly sworn by
04 Sharon Lengel, the Notary Public,
05 was examined and testified as
06 follows:

3. PAGE 13:02 TO 13:04 (RUNNING 00:00:06.244)

02 Q. When did you -- when were you
03 first employed by Samyang Food Company
04 Limited?

4. PAGE 13:05 TO 13:05 (RUNNING 00:00:06.061)

05 A. May of 2008.

5. PAGE 13:06 TO 13:08 (RUNNING 00:00:11.245)

06 Q. And what was your position at
07 Samyang Food Company Limited when you were
08 first hired?

6. PAGE 13:09 TO 13:09 (RUNNING 00:00:05.133)

09 A. I was in charge of marketing.

7. PAGE 13:10 TO 13:10 (RUNNING 00:00:02.575)

10 Q. What was your official title?

8. PAGE 13:11 TO 13:11 (RUNNING 00:00:04.402)

11 A. Managing director.

9. PAGE 13:12 TO 13:12 (RUNNING 00:00:01.929)

12 Q. Is that your title today?

10. PAGE 13:13 TO 13:13 (RUNNING 00:00:02.398)

13 A. Yes. Correct.

11. PAGE 13:24 TO 14:03 (RUNNING 00:00:14.682)

24 As part of your duties at
25 Samyang, did you conduct an investigation
00014:01
02 into communications amongst the Korean
03 Ramen noodle companies?

KoreanNoodles

12. PAGE 14:04 TO 14:04 (RUNNING 00:00:04.557)

04 A. Among companies?

13. PAGE 14:05 TO 14:05 (RUNNING 00:00:00.765)

05 Q. Yes.

14. PAGE 14:06 TO 14:07 (RUNNING 00:00:06.171)

06 A. Yes, I did, among my
07 subordinates.

15. PAGE 14:08 TO 14:09 (RUNNING 00:00:05.472)

08 Q. And what did you do to
09 investigate the communications?

16. PAGE 14:10 TO 14:12 (RUNNING 00:00:13.462)

10 A. For starters, once KFTC started
11 its investigation, I interviewed my staff
12 at marketing.

17. PAGE 14:13 TO 14:14 (RUNNING 00:00:04.699)

13 Q. And what specific employees did
14 you interview?

18. PAGE 14:15 TO 14:19 (RUNNING 00:00:20.085)

15 A. Among the employees I
16 interviewed -- well, it's somewhat
17 complicated. But even within marketing, I
18 interviewed employees who worked on market
19 research.

19. PAGE 14:20 TO 14:22 (RUNNING 00:00:08.121)

20 Q. So you interviewed employees
21 that worked for the former market research
22 team; is that correct?

20. PAGE 14:23 TO 15:02 (RUNNING 00:00:18.436)

23 A. That is correct. But what I
24 would like to state is that I interviewed
25 employees who worked with marketing with
00015:01
02 respect to market research in the past.

21. PAGE 15:03 TO 15:04 (RUNNING 00:00:03.700)

03 Q. And what were the names of the
04 employees you interviewed?

22. PAGE 15:05 TO 15:09 (RUNNING 00:00:42.997)

05 A. As far as I recall, I remember
06 Mr. Jong Moon Yui and Kyung Mu Min. Kyung
07 Mu Min. Those two individuals were
08 responsible for market research in the
09 past.

23. PAGE 15:15 TO 15:16 (RUNNING 00:00:03.299)

15 Q. Did anyone assist you in your
16 investigation?

24. PAGE 15:17 TO 15:18 (RUNNING 00:00:08.455)

17 A. When you said investigation, did
18 you mean that interviewing employees?

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25. PAGE 15:19 TO 15:22 (RUNNING 00:00:09.311)

19 Q. I mean your broader
20 investigation of communications that had
21 occurred between the Korean Ramen noodle
22 companies.

26. PAGE 15:23 TO 16:02 (RUNNING 00:00:16.252)

23 A. With respect to interviewing
24 individuals, those two are the ones that I
25 interviewed. But I also extracted some
00016:01
02 material from portable hard drive.

27. PAGE 16:03 TO 16:04 (RUNNING 00:00:05.382)

03 Q. Did anyone help you extract
04 material from the portable hard drive?

28. PAGE 16:05 TO 16:06 (RUNNING 00:00:08.775)

05 A. Are you talking about just the
06 task itself? Extracting material?

29. PAGE 16:07 TO 16:07 (RUNNING 00:00:00.905)

07 Q. Yes.

30. PAGE 16:08 TO 16:08 (RUNNING 00:00:02.904)

08 A. I did that by myself.

31. PAGE 16:09 TO 16:10 (RUNNING 00:00:07.727)

09 Q. Okay. What did Mr. Jong Moon
10 Yui tell you when you interviewed him?

32. PAGE 16:11 TO 16:12 (RUNNING 00:00:07.242)

11 A. I believe the period was around
12 January 2010. I heard from him that what

33. PAGE 16:13 TO 16:16 (RUNNING 00:00:18.077)

13 kind of information that he exchanged with
14 the competitors with respect to Ramen, and
15 he also told me that where the information
16 was stored, such as portable hard drive.

34. PAGE 17:08 TO 17:10 (RUNNING 00:00:13.134)

08 Q. And what did Mr. Yui tell you
09 about communications among competitors in
10 the Ramen noodle industry?

35. PAGE 17:11 TO 17:16 (RUNNING 00:00:30.995)

11 A. If I state what he told me, what
12 he verbally shared with me is as follows:
13 Management strategy, price increase, and
14 sales strategy after price increase, new
15 product information -- so these type of
16 comprehensive information. Also this

36. PAGE 17:17 TO 17:19 (RUNNING 00:00:13.210)

17 practice of exchanging information had
18 started from his predecessor, Mr. Kyung
19 Joo Kim. That's what he told me.

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37. PAGE 17:20 TO 17:23 (RUNNING 00:00:14.456)

20 Thirdly, he said that the details of
 21 information exchange was stored in one
 22 place, of course, not all of it; but it's
 23 stored in one place. That is all.

38. PAGE 17:24 TO 18:04 (RUNNING 00:00:23.603)

24 Q. Okay. And just so that the
 25 record is clear, Mr. Yui told you that
 00018:01
 02 this type of comprehensive information had
 03 been exchanged among competitors of the
 04 Korean Ramen noodle industry.

39. PAGE 18:05 TO 18:06 (RUNNING 00:00:06.430)

05 A. Yes. He told me that he played
 06 that role.

40. PAGE 18:20 TO 18:21 (RUNNING 00:00:07.963)

20 Q. And what did Mr. Kyung Mu Min
 21 tell you when you interviewed him?

41. PAGE 18:22 TO 19:06 (RUNNING 00:00:30.052)

22 A. Mr. Kyung Mu Min was working
 23 under Mr. Jong Moon Yui, who was the
 24 section chief at the time. And what
 25 Mr. Kyung Mu Min stated that he personally
 00019:01
 02 exchanged the information concerning new
 03 product, et cetera, with competitors,
 04 either in person or -- well, he said he
 05 personally exchanged this type of
 06 information.

42. PAGE 19:20 TO 19:21 (RUNNING 00:00:05.795)

20 With what competitors did these
 21 employees exchange information?

43. PAGE 20:04 TO 20:07 (RUNNING 00:00:16.133)

04 A. Because in Korean Ramen
 05 industry, there are not that many
 06 companies, so he mentioned Nongshim,
 07 Ottogi, and Paldo.

44. PAGE 20:08 TO 20:12 (RUNNING 00:00:15.985)

08 Q. Okay. Now, you mentioned a
 09 portable hard drive that you discovered
 10 while conducting your investigation.
 11 Where was that hard drive
 12 located?

45. PAGE 20:13 TO 20:20 (RUNNING 00:00:53.060)

13 A. I recall portable hard drive was
 14 with an employee with the marketing
 15 department. But after 2010, after Korean
 16 Fair Trade Commission started its
 17 investigation, I received a portable hard
 18 drive, and I extracted information from
 19 that hard drive along with our company's
 20 auditor.

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46. PAGE 21:17 TO 21:20 (RUNNING 00:00:08.344)

17 If I understand your testimony,
18 when you first started doing your
19 investigation, the portable hard drive was
20 in the market research department.

47. PAGE 21:21 TO 22:03 (RUNNING 00:00:27.508)

21 A. When I started my investigation,
22 that the hard drive was someone -- was
23 with someone in marketing department. I
24 mean, we had a market research team,
25 and -- oh, no. I received it from the
00022:01
02 individual who worked in market research
03 team.

48. PAGE 22:04 TO 22:04 (RUNNING 00:00:01.895)

04 Q. And what was that person --

49. PAGE 22:05 TO 22:16 (RUNNING 00:00:54.515)

05 A. As I stated earlier, Samyang's
06 market research team was no longer present
07 as of September 1, 2008. Samyang does not
08 have the market research team anymore.
09 And what I stated that when I received the
10 external hard drive in 2010, I did not
11 receive it from an individual who was
12 doing market research; rather, I received
13 it from an employee who used to work with
14 market research. I received it from
15 Mr. Jong Moon Yui, who was the section
16 chief.

50. PAGE 22:19 TO 22:21 (RUNNING 00:00:08.811)

19 And then you examined the
20 contents of the hard drive; is that
21 correct?

51. PAGE 22:24 TO 22:24 (RUNNING 00:00:02.327)

24 A. Correct.

52. PAGE 22:25 TO 23:02 (RUNNING 00:00:02.323)

25 Q. And how did you examine the
00023:01
02 contents?

53. PAGE 23:03 TO 23:10 (RUNNING 00:00:39.789)

03 A. For starters, I opened the hard
04 drive, and I perused the list of it.
05 And -- and it was very, very organized the
06 way I wanted to look for the information.
07 In the -- I was able to find one directory
08 named -- related to -- "Concerning
09 Competitors." So that was the directory
10 that I was most interested in.

54. PAGE 23:11 TO 23:13 (RUNNING 00:00:07.744)

11 Q. Okay. And just very generally,
12 what did the directory called
13 "Competitors" contain?

KoreanNoodles

55. PAGE 23:14 TO 23:20 (RUNNING 00:00:33.888)

14 A. Such as competitor strategy,
15 advertising campaign, price, personnel --
16 this information had directory by
17 directory by company. And also all the
18 email exchanges concerning this
19 information was in one place in the
20 webmail called "DAUM mail."

56. PAGE 23:21 TO 23:22 (RUNNING 00:00:12.840)

21 Q. Can you tell those of us who may
22 not be from Korea what DAUM mail is.

57. PAGE 24:03 TO 24:05 (RUNNING 00:00:22.803)

03 A. It's equivalent to U.S. Gmail,
04 like webmail. And it's very popular in
05 Korea, very famous.

58. PAGE 24:06 TO 24:09 (RUNNING 00:00:16.824)

06 Q. And you found on the hard drive
07 evidence of DAUM mail communications
08 between Samyang and its competitors in the
09 Korean Ramen business?

59. PAGE 24:12 TO 24:14 (RUNNING 00:00:10.447)

12 A. Yes.
13 Q. Do you know what email address
14 SAMYANG used?

60. PAGE 24:18 TO 24:19 (RUNNING 00:00:04.489)

18 A. Are you talking about the email
19 address -- address?

61. PAGE 24:20 TO 24:20 (RUNNING 00:00:00.465)

20 Q. Yes.

62. PAGE 24:21 TO 24:21 (RUNNING 00:00:03.664)

21 A. "Marketone."

63. PAGE 24:22 TO 24:23 (RUNNING 00:00:06.510)

22 Q. And what was the domain that was
23 used? Marketone@ what?

64. PAGE 24:24 TO 24:24 (RUNNING 00:00:06.637)

24 A. Marketone@DAUM.net.

65. PAGE 25:13 TO 25:14 (RUNNING 00:00:08.848)

13 Q. Did you see any evidence of
14 communications using the Hanmail address?

66. PAGE 25:20 TO 25:24 (RUNNING 00:00:18.386)

20 A. About that, I don't really know
21 in detail. But I believe that DAUM and
22 Hanmail, they belong to the same company.
23 So they were using it -- they were using
24 both interchangeably. Earlier, I stated

67. PAGE 25:25 TO 26:03 (RUNNING 00:00:13.834)

25 that "DAUM.net." But that could have been
00026:01

KoreanNoodles

02 "Hanmail.net." Before that, "Marketone"
03 is -- I'm sure of.

68. PAGE 26:04 TO 26:07 (RUNNING 00:00:13.209)

04 Q. So on the hard drive, did you
05 find communications that Samyang received
06 from its competitors in the Korean Ramen
07 noodle business?

69. PAGE 26:12 TO 26:15 (RUNNING 00:00:23.325)

12 A. Correct. For starters, I
13 verified what I heard from employees from
14 the interview and the materials that I
15 found in their hard drive.

70. PAGE 26:16 TO 26:18 (RUNNING 00:00:12.602)

16 Q. Did you find communications that
17 Samyang employees received from Nongshim
18 Company Limited?

71. PAGE 26:23 TO 27:02 (RUNNING 00:00:17.099)

23 A. In each directory -- well, the
24 directory was organized such that by year,
25 by company, and recipient and senders. So
00027:01
02 it was very well-organized.

72. PAGE 27:03 TO 27:06 (RUNNING 00:00:14.748)

03 Q. And so my question focuses on
04 senders.
05 Did Samyang keep information
06 that was sent by Nongshim Company Limited?

73. PAGE 27:11 TO 27:12 (RUNNING 00:00:05.983)

11 A. Correct. Correct. That
12 information was in there.

74. PAGE 27:13 TO 27:14 (RUNNING 00:00:07.637)

13 Q. And did Samyang keep information
14 that was sent by Ottogi Company Limited?

75. PAGE 27:19 TO 27:19 (RUNNING 00:00:02.596)

19 A. Yes.

76. PAGE 27:20 TO 27:22 (RUNNING 00:00:06.320)

20 Q. And did Samyang keep information
21 that was sent by Korea Yakult Company
22 Limited?

77. PAGE 28:03 TO 28:03 (RUNNING 00:00:02.840)

03 A. Yes.

78. PAGE 28:04 TO 28:05 (RUNNING 00:00:07.690)

04 Q. And then did Samyang keep
05 communications that it sent to Ottogi?

79. PAGE 28:10 TO 28:13 (RUNNING 00:00:12.538)

10 A. Yes.
11 Q. Okay. And then did Samyang keep
12 communications that it sent to Nongshim
13 Company Limited?

KoreanNoodles

80. PAGE 28:18 TO 28:18 (RUNNING 00:00:01.714)

18 A. Yes.

81. PAGE 28:19 TO 28:21 (RUNNING 00:00:08.286)

19 Q. And then did Samyang keep
20 communications that it sent to Korea
21 Yakult Company Limited?

82. PAGE 29:02 TO 29:02 (RUNNING 00:00:01.882)

02 A. Yes.

83. PAGE 29:03 TO 29:04 (RUNNING 00:00:05.598)

03 Q. Were you able to determine why
04 SAMYANG kept these communications?

84. PAGE 29:20 TO 30:11 (RUNNING 00:00:57.835)

20 A. I too was interested in why they
21 organized in such a way. And I was --
22 because I saw that each communication was
23 organized by company -- by year in --
24 under the different directory name. So I
25 asked, "Why did you store it such way?"

00030:01
02 And I was told that because the
03 webmail has a limited storage capacity,
04 after certain period, they had to move to
05 the external hard drive in order to
06 receive the new information. So -- and
07 that's what I heard, and I was able to
08 verify that looking through the
09 directories in the portable hard drive --
10 Q. Okay.
11 A. -- by year.

85. PAGE 30:12 TO 30:14 (RUNNING 00:00:08.627)

12 Q. So when you say the webmail has
13 a limited storage capacity, by that, do
14 you mean the DAUM email account?

86. PAGE 30:15 TO 30:15 (RUNNING 00:00:01.745)

15 A. Correct.

87. PAGE 30:16 TO 30:23 (RUNNING 00:00:22.568)

16 Q. So, then, if I understand your
17 testimony correctly, because the DAUM
18 email account did not -- strike that.
19 If I understand your testimony
20 correctly, because the DAUM email account
21 had a limited storage capacity, SAMYANG
22 employees downloaded that information onto
23 the portable hard drive.

88. PAGE 31:04 TO 31:08 (RUNNING 00:00:22.876)

04 A. That is what I was told. And my
05 understanding is that, in fact, the
06 important piece of information was
07 downloaded onto a different storage device
08 from webmail.

89. PAGE 40:18 TO 40:21 (RUNNING 00:00:09.899)

18 Q. When you examined the hard

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19 drive, did you find that it was the
20 practice of Samyang employees to save the
21 communications from Nongshim?

90. PAGE 41:03 TO 41:05 (RUNNING 00:00:16.274)

03 A. Yes. I recognized that as a
04 practice of the company that has been
05 done in the -- I mean, from the past.

91. PAGE 43:22 TO 43:25 (RUNNING 00:00:13.532)

22 Q. Okay. So first, the
23 communications were saved on Hanmail as
24 they were received, and then later, it was
25 saved on the hard drive; is that correct?

92. PAGE 44:06 TO 44:07 (RUNNING 00:00:05.338)

06 A. That is correct. I was able to
07 ascertain that.

93. PAGE 44:08 TO 44:10 (RUNNING 00:00:11.492)

08 Q. Okay. And that -- those
09 communications included both emails as
10 well as attachments; is that correct?

94. PAGE 44:13 TO 44:13 (RUNNING 00:00:01.541)

13 A. Correct.

95. PAGE 44:14 TO 44:16 (RUNNING 00:00:08.575)

14 Q. Did -- did Samyang employees use
15 the Nongshim communications to conduct
16 Samyang's Ramen noodle business?

96. PAGE 45:04 TO 45:15 (RUNNING 00:00:48.326)

04 A. Nongshim -- since Nongshim was
05 leading company in Korea, number one
06 company in Korea, so we -- our company
07 strategy was reflected based on the
08 information that we received from
09 Nongshim, especially price increase.
10 Before we increased our price,
11 we received the information concerning
12 price increase. And that information, the
13 price increase information, played a vital
14 role when we made our decision concerning
15 price increase.

97. PAGE 45:16 TO 45:19 (RUNNING 00:00:10.010)

16 Q. So as I understand it, the
17 communications that you discovered on the
18 hard drive included information about
19 price increases; is that correct?

98. PAGE 45:24 TO 45:24 (RUNNING 00:00:03.357)

24 A. Yes. It was included.

99. PAGE 46:25 TO 47:03 (RUNNING 00:00:06.614)

25 You interviewed Samyang's
00047:01
02 employees about communications with
03 Ottogi; is that right?

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100. PAGE 47:04 TO 47:04 (RUNNING 00:00:01.487)

04 A. Yes.

101. PAGE 47:05 TO 47:07 (RUNNING 00:00:09.077)

05 Q. And you examined the hard drive
06 to see whether there were communications
07 between Samyang and Ottogi; correct?

102. PAGE 47:12 TO 47:12 (RUNNING 00:00:01.938)

12 A. Yes.

103. PAGE 47:13 TO 47:14 (RUNNING 00:00:07.595)

13 Q. And you did, in fact, discover
14 communications between Ottogi and Samyang.

104. PAGE 47:20 TO 47:20 (RUNNING 00:00:02.414)

20 A. Correct.

105. PAGE 60:14 TO 60:16 (RUNNING 00:00:15.050)

14 Q. Have you had a chance to review
15 Exhibit 29, Director Park?
16 A. Yes.

106. PAGE 62:11 TO 62:13 (RUNNING 00:00:10.290)

11 Q. And at the time you signed
12 Exhibit 29, did you believe that the
13 contents were true?

107. PAGE 62:23 TO 62:24 (RUNNING 00:00:04.815)

23 A. Yes, because I believed that I
24 signed it.

108. PAGE 62:25 TO 63:02 (RUNNING 00:00:06.337)

25 Q. Okay. And do you believe that
00063:01
02 the contents of Exhibit 29 are true today?

109. PAGE 63:03 TO 63:03 (RUNNING 00:00:02.589)

03 A. Yes.

110. PAGE 64:02 TO 64:06 (RUNNING 00:00:13.891)

02 Q. Okay. So what are the sort of
03 general categories of communications that
04 you discovered between Samyang and
05 Samyang's competitors in the Korean Ramen
06 noodle industry?

111. PAGE 64:11 TO 64:13 (RUNNING 00:00:15.571)

11 A. That I can only mention with
12 list of directories that was in the hard
13 drive. Would that be okay?

112. PAGE 64:14 TO 64:16 (RUNNING 00:00:11.780)

14 Q. Sure. But I was more interested
15 in the information that you have
16 underlined on page 2616.

113. PAGE 64:17 TO 64:20 (RUNNING 00:00:20.266)

17 A. The contents that are underlined
18 on this page is the subdirectory under the

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19 umbrella of big directory that I found in
20 the portable hard drive.

114. PAGE 64:21 TO 64:22 (RUNNING 00:00:02.499)

21 Q. And what was the big directory
22 called?

115. PAGE 64:23 TO 65:06 (RUNNING 00:00:28.258)

23 A. I need to explain a little bit
24 here. Inside the portable hard drive,
25 there is a root directory. And under the
00065:01
02 root directory, there are many directories
03 or subdirectories. And one of the
04 subdirectories has a name "Concerning
05 Competitors." And these were the -- under
06 that directory.

116. PAGE 65:07 TO 65:09 (RUNNING 00:00:06.118)

07 Q. Okay. And then under the
08 competitors' directory, what
09 subdirectories did you find?

117. PAGE 65:10 TO 65:11 (RUNNING 00:00:27.978)

10 A. Price list, competitors weekly
11 trend report, DAUM mailbox or -- and the

118. PAGE 65:12 TO 65:22 (RUNNING 00:01:07.026)

12 competitors' events, advertising campaign,
13 and personnel or organizational chart,
14 competitors' regular event, competitors'
15 price increase, competitors' new product,
16 competitors' sales figures, competitors'
17 strategy, Samyang sales figures, and what
18 Samyang notified them, that is all. And I
19 mentioned in -- one of the subdirectories
20 has "DAUM mailbox." And under the DAUM
21 mailbox, it was segregated as by year and
22 by company.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:24:40.557)

KoreanNoodles

Park, Jeong-Eun (Vol. 02) - 01/19/2016**1 CLIP (RUNNING 00:06:20.543)****PARKJEONGEUN-0119****11 SEGMENTS (RUNNING 00:06:20.543)****1. PAGE 141:02 TO 141:09 (RUNNING 00:00:29.607)**

02 Q. Director Park, during that time,
03 from May 2008 to August 31, 2008, did
04 you -- were you aware during that period
05 of time that Samyang employees were
06 communicating with Samyang's Ramen
07 competitors about matters including price,
08 sales volumes, or any other information
09 about Korean Ramen?

2. PAGE 141:15 TO 141:15 (RUNNING 00:00:03.211)

15 A. Yes. I'm aware of that.

3. PAGE 141:16 TO 141:18 (RUNNING 00:00:08.003)

16 Q. Okay. And were you aware of
17 that during the period of time 2000 --
18 May 2008 to August 31, 2008?

4. PAGE 141:22 TO 142:18 (RUNNING 00:01:50.006)

22 A. I started working for Samyang in
23 May of 2008. And as of September 1, 2008,
24 I disbanded market research team when I
25 became the head of marketing department.
00142:01
02 And, of course, I was with the marketing
03 department when I started working for the
04 company. But I had -- I had a learning
05 period for three months because I was not
06 very knowledgeable about the company for
07 the first three months.
08 And every day, I received a
09 report from the head of marketing team,
10 and that report included the information
11 exchange between competitors. That piece
12 of information was a part of daily report.
13 If I may reiterate, just in case
14 you are not aware, I'm not saying the
15 report was a written report. This
16 individual reported to me verbally with
17 pertinent information or relevant
18 document.

5. PAGE 142:23 TO 143:02 (RUNNING 00:00:16.457)

23 A. That is how I'm able to remember
24 that that piece of information -- that
25 type of information was exchanged during
00143:01
02 that period.

6. PAGE 144:18 TO 144:22 (RUNNING 00:00:11.422)

18 Q. Well, did you have an
19 understanding in that period, from
20 May 2008 to August 31, 2008, that Mr. Seo

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21 was communicating with Nongshim about
22 Korean Ramen?

7. PAGE 145:04 TO 145:08 (RUNNING 00:00:17.213)

04 A. So -- so you are asking through
05 verbal report from Mr. Jin Woo Seo that I
06 learned that he was communicating with
07 Nongshim. I believe that is what you're
08 asking. Am I correct?

8. PAGE 145:09 TO 145:09 (RUNNING 00:00:01.117)

09 Q. You are correct.

9. PAGE 145:10 TO 146:13 (RUNNING 00:02:31.250)

10 A. Probably that practice was
11 taking place even before I started working
12 for Samyang, before May. But I received
13 the information about competitors in May,
14 June, July, August.

15 If I remember correctly, one
16 week prior to my working -- my commencing
17 working for Samyang, I heard that there
18 was first initial investigation by Korean
19 Fair Trade Commission. Wait. That was
20 actually one week to ten days after I
21 started working for Samyang that -- that
22 Korean Fair Trade Commission investigated
23 Samyang the first time.

24 And even though there was -- the
25 field investigation by Korean Fair Trade

00146:01 Commission was taking place, they
02 continued to exchange information with
03 competitors, and I received result of this
04 information exchange continuously.

06 I disbanded the market research
07 team -- market research organization as of
08 September 1st, and I informed all our
09 staff that "Please stop sharing any type
10 of information with competitors." I made
11 that very clear. And after that, I do not
12 know whether there was a continuous
13 information exchange or not.

10. PAGE 177:05 TO 177:10 (RUNNING 00:00:16.133)

05 Q. All right. And more broadly,
06 the emails that are contained on the
07 Samyang hard drive, the contents of them
08 were saved in the form that exists on the
09 hard drive in the ordinary course of
10 Samyang's business; correct?

11. PAGE 177:18 TO 177:21 (RUNNING 00:00:16.124)

18 A. What I can say is that this is
19 the practice that market research
20 organization has been following for
21 several years. This is very ordinary.


TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:06:20.543)

COURT EXHIBIT 13b

Ottogi

 **Park, Jeong Eun (Vol. 01) - 01/18/2016**

1 CLIP (RUNNING 00:10:29.293)

 11-18-18

JEONGPARK1

42 SEGMENTS (RUNNING 00:10:29.293)



1. PAGE 15:10 TO 15:11 (RUNNING 00:00:09.629)

10 Q. Okay. Did you interview Mr. Kim
11 Jong Yui -- Kim Kyung-Joo?

2. PAGE 15:12 TO 15:14 (RUNNING 00:00:08.885)

12 A. I have never seen him when he
13 was with market research because we worked
14 at different times.

3. PAGE 19:07 TO 19:09 (RUNNING 00:00:11.547)

07 Q. And did Mr. Kyung Mu Min tell
08 you a time period during which he
09 exchanged information with competitors?

4. PAGE 19:10 TO 19:13 (RUNNING 00:00:12.654)

10 A. I don't really recall, but he
11 was regular employee, kind of low level.
12 And I don't believe that he did that for a
13 very long period of time.

5. PAGE 116:17 TO 116:19 (RUNNING 00:00:10.331)

17 And let me just ask you if you
18 can take a look at Exhibit 27 and tell me
19 if you recognize this document.

6. PAGE 116:20 TO 116:22 (RUNNING 00:00:06.998)

20 A. I know what this -- the contents
21 of this document.
22 Q. And what is it?

7. PAGE 116:23 TO 117:04 (RUNNING 00:00:35.277)

23 A. This is 2008 Nongshim's price
24 increase details for Ramen products as
25 well as snack products.
00117:01
02 Q. Is this an example of the kinds
03 of documents that you found on the hard
04 drive when you conducted your examination?

8. PAGE 117:09 TO 117:17 (RUNNING 00:00:29.239)

09 A. I cannot say whether this is the
10 document, this is the very same document
11 that I found and submitted. I cannot say
12 that. But because there were documents
13 similar to this by year in the hard drive,
14 I infer that that might -- this might be
15 from that. But I cannot say for sure that
16 this is the document that I personally
17 extracted and submitted.

9. PAGE 117:18 TO 118:02 (RUNNING 00:00:27.809)

18 In order for me to confirm that

Ottogi

19 this is the document that I extracted and
 20 found and submitted, I need to see the
 21 screen shot of the file attribute that you
 22 showed me earlier. In it, I can find when
 23 this was created, and so I can verify
 24 that. But since this document does not
 25 have such file attribute information, I
 00118:01
 02 cannot say for sure.

10. PAGE 120:17 TO 120:20 (RUNNING 00:00:11.987)

17 Q. I would also like to ask you if
 18 you could -- if you could take a look at a
 19 document that's been previously marked as
 20 Exhibit 28.

11. PAGE 120:21 TO 121:02 (RUNNING 00:00:24.519)

21 A. Yes.
 22 Q. And, again, for the record, that
 23 contains -- it bears the Bates No.
 24 SHD00000576. And I want to ask you,
 25 again, whether this is -- do you know what
 00121:01
 02 this -- do you know what Exhibit 28 is?

12. PAGE 121:07 TO 121:12 (RUNNING 00:00:28.699)

07 A. It seems to me that this
 08 document is the 2005 Ottogi item-by-item
 09 price increase plan or proposal.
 10 Q. And is this an example of the
 11 type of documents that you found on the
 12 Samyang hard drive?

13. PAGE 121:19 TO 121:23 (RUNNING 00:00:15.940)

19 A. Just like the previous document
 20 that you showed me, I have seen many
 21 documents similar to this. But I cannot
 22 say that this is the very same document
 23 that I extracted and found.

14. PAGE 127:22 TO 127:25 (RUNNING 00:00:06.902)

22 Q. And so it's fair to say that you
 23 have never worked in any information
 24 technology group in any organization;
 25 right?

15. PAGE 128:02 TO 128:08 (RUNNING 00:00:21.190)

02 A. Correct. I never personally
 03 worked in that area.
 04 Q. It's also fair to say, isn't it,
 05 that before you started work at Samyang in
 06 May 2008, you have no personal knowledge
 07 of anything that happened at Samyang
 08 before you arrived; right?

16. PAGE 128:11 TO 128:11 (RUNNING 00:00:01.332)

11 A. That is correct.

17. PAGE 131:22 TO 132:02 (RUNNING 00:00:24.622)

22 Q. In your testimony earlier today
 23 about your statement to the KFTC, you
 24 talked about how the examples you gave
 25 were taken from the portable hard drive.

Ottogi

00132:01
02 Do you recall that generally?

18. PAGE 132:03 TO 132:04 (RUNNING 00:00:06.901)

03 A. Yes, I do.
04 Q. Please look at page SYK2617.

19. PAGE 132:05 TO 132:05 (RUNNING 00:00:03.402)

05 Please look at the very top of the page.

20. PAGE 132:06 TO 132:09 (RUNNING 00:00:06.461)

06 A. Yes.
07 Q. At the very top of the page, did
08 you write that or did someone else write
09 that?

21. PAGE 132:10 TO 132:10 (RUNNING 00:00:02.220)

10 A. I personally wrote this.

22. PAGE 132:13 TO 132:15 (RUNNING 00:00:06.307)

13 Q. In that line, the abbreviation
14 "CD" is used.
15 Do you see that?

23. PAGE 132:16 TO 132:22 (RUNNING 00:00:14.454)

16 A. Yes.
17 Q. Where you use the abbreviation
18 "CD" there, do you mean the removable --
19 excuse me. Strike that.
20 When you use the abbreviation
21 "CD" there, do you mean the portable hard
22 drive or do you mean something else?

24. PAGE 132:23 TO 133:03 (RUNNING 00:00:16.701)

23 A. Earlier, when I received a
24 question about portable hard drive, I
25 stated that there was -- there were some
00133:01
02 issues with portable hard drive. So I had
03 to send it out to outside company to

25. PAGE 133:04 TO 133:10 (RUNNING 00:00:18.351)

04 recover. That this company, when they
05 were trying to recover the files, they
06 were afraid that there might be -- might
07 something happen with respect to portable
08 hard drive. So they also copied what was
09 in the portable hard drive onto -- onto
10 CDs.

26. PAGE 133:11 TO 133:19 (RUNNING 00:00:36.236)

11 So although I prepared the
12 documents looking at what was in the CD,
13 because it is easier and readily
14 accessible, but when I do that, the
15 contents of the file attribute might be
16 altered. So when I used -- when I had the
17 screen shot of the file attribute, I used
18 the portable hard drive. But what's in it
19 is the same.

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27. PAGE 135:19 TO 135:22 (RUNNING 00:00:14.488)

19 So your testimony is that the
20 outside company copied onto CDs some
21 information from the portable hard drive;
22 right?

28. PAGE 135:23 TO 135:24 (RUNNING 00:00:04.854)

23 A. Yes. That's what I heard.
24 Q. Who did you hear that from?

29. PAGE 135:25 TO 135:25 (RUNNING 00:00:02.190)

25 A. Because I received the CDs.

30. PAGE 136:02 TO 136:20 (RUNNING 00:00:54.066)

02 Because today, there is no problem with
03 portable hard drive, but at that time, it
04 was very unstable.
05 There was no -- not much
06 stability with respect to portable hard
07 drive. And sometimes when you try to open
08 a file with a portable hard drive, you
09 might not be able to open it. And so even
10 though they recovered what was in the
11 portable hard drive, the portable hard
12 drive might run into some problems down
13 the road.
14 So the outside company decided
15 to make a copy onto CDs what was on the
16 portable hard drive. So that was kind of
17 a spare, the CD, so just in case something
18 might happen to portable hard drive down
19 the road, because at that time, portable
20 hard drive was very unstable.

31. PAGE 139:03 TO 139:06 (RUNNING 00:00:17.143)

03 Q. Did -- so it was Myung
04 Information Company which made the copies
05 onto the CD from the portable hard drive;
06 right?

32. PAGE 139:09 TO 139:19 (RUNNING 00:00:36.577)

09 A. How I can easily remember the
10 name of the company, Myung Information
11 Communication, is that after they
12 recovered portable hard drive, they made a
13 copy onto CD. And it wasn't a single CD.
14 The CDs -- a number of CDs were in the box
15 that they gave us. And on the box, I saw
16 there are stickers with their name, Myung
17 Information Communication, and their
18 contact information, including their URL,
19 et cetera. That's how I remember.

33. PAGE 139:20 TO 140:02 (RUNNING 00:00:19.595)

20 And also in that sticker, they
21 indicated that when they received this
22 service inquiry or service request and
23 when their information were -- what was in
24 the portable hard drive was recovered. So
25 it had the date recovered indicated as
00140:01
02 well.

Ottogi

34. PAGE 140:03 TO 140:03 (RUNNING 00:00:02.153)

03 Q. How many CDs did they give you?

35. PAGE 140:04 TO 140:08 (RUNNING 00:00:12.904)

04 A. One CD.
05 Q. You just said a moment ago that
06 "It was not a single CD. A number of CDs
07 were in the box that they gave us."
08 How many CDs did they give you?

36. PAGE 140:19 TO 140:21 (RUNNING 00:00:11.856)

19 A. You mentioned plural CDs. But,
20 no. There was one CD, and the CD was in a
21 plastic case or the -- yeah, plastic case.

37. PAGE 143:10 TO 143:15 (RUNNING 00:00:14.651)

10 Q. Likewise, when you said that you
11 remember that the KFTC had numerous
12 questions with respect to why something
13 was damaged, you're saying they had
14 numerous questions with respect to why the
15 portable hard drive was damaged; right?

38. PAGE 143:16 TO 143:20 (RUNNING 00:00:12.334)

16 A. That is correct.
17 Q. And so likewise, you said that
18 they were suspicious whether Samyang
19 intentionally damaged the hard drive to
20 interfere with their investigation; right?

39. PAGE 143:24 TO 143:24 (RUNNING 00:00:02.423)

24 A. That is correct.

40. PAGE 149:16 TO 149:17 (RUNNING 00:00:07.551)

16 Q. Did Myung tell you how much of
17 the data they could not recover?

41. PAGE 149:20 TO 149:21 (RUNNING 00:00:05.341)

20 A. I did not personally communicate
21 with Myung Information Communications. I


42. PAGE 149:22 TO 150:02 (RUNNING 00:00:12.574)

22 heard from someone that some of the
23 characters -- I mean, it's not really
24 crucial to the contents itself -- that
25 some of the characters were -- were
00150:01
02 corrupted.

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 **Park, Jeong Eun (Vol. 01) - 01/19/2016**

1 CLIP (RUNNING 00:10:55.168)

 11-18-18

JEONGPARK2

57 SEGMENTS (RUNNING 00:10:55.168)



1. PAGE 11:13 TO 11:14 (RUNNING 00:00:11.164)

13 Q. All right. Next, to clarify one
14 item from yesterday's testimony, it's fair

2. PAGE 11:15 TO 11:19 (RUNNING 00:00:14.766)

15 to say, isn't it, that because you started
16 work at Samyang in May 2008, you have no
17 personal knowledge of anything that
18 happened at Samyang before you arrived;
19 right?

3. PAGE 11:22 TO 11:22 (RUNNING 00:00:01.868)

22 A. Yes. That is correct.

4. PAGE 17:04 TO 17:05 (RUNNING 00:00:06.156)

04 Q. Do you know what it means to
05 make a forensic image of a hard drive?

5. PAGE 17:06 TO 17:06 (RUNNING 00:00:01.751)

06 A. No. I have no idea.

6. PAGE 17:09 TO 17:12 (RUNNING 00:00:13.418)

09 A. I absolutely have no idea.
10 Q. Did Samyang give the KFTC a copy
11 of all the contents of the external hard
12 drive?

7. PAGE 17:13 TO 17:20 (RUNNING 00:00:27.094)

13 A. I do not know whether the entire
14 content was copied and sent to the KFTC.
15 But we did provide all the contents of the
16 external hard drive to our company
17 counsel.
18 Q. But you don't know how much of
19 that Samyang's company counsel gave to
20 KFTC, do you?

8. PAGE 17:23 TO 17:23 (RUNNING 00:00:02.610)

23 A. That is correct. I do not know.

9. PAGE 18:18 TO 18:21 (RUNNING 00:00:10.796)

18 Q. Did you prepare any
19 cut-and-paste material to be included in
20 other Samyang employees' witness
21 statements to the KFTC?

10. PAGE 18:24 TO 19:03 (RUNNING 00:00:08.697)

24 A. I believe so, substantially,
25 yes.
00019:01 PARK - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 Q. For all of the KFTC witness
03 statements?

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11. PAGE 19:06 TO 19:11 (RUNNING 00:00:19.906)

06 A. Since I do not know what
07 statements were submitted to KF -- to the
08 KFTC, I do not know as to that. So I
09 cannot say yes or no, whether I prepared
10 all the cut-and-paste sections that appear
11 in other witnesses' statements.

12. PAGE 19:12 TO 19:20 (RUNNING 00:00:32.540)

12 But I can say the following:
13 That what I did was that I extracted
14 documents as much as possible that was
15 done in the past in the course of business
16 at Samyang from the past from quite some
17 time ago. That was done intentionally.
18 So, yes, I did that. I extracted
19 documents and submitted these documents to
20 the company counsel, as much as possible.

13. PAGE 38:21 TO 38:23 (RUNNING 00:00:05.732)

21 Q. Mr. Park, you personally never
22 sent any information to a Samyang
23 competitor; right?

14. PAGE 38:24 TO 39:03 (RUNNING 00:00:05.014)

24 A. That is correct.
25 Q. And you personally never
00039:01 PARK - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 received any information from a Samyang
03 competitor; right?

15. PAGE 39:04 TO 39:08 (RUNNING 00:00:18.113)

04 A. Yes. That is correct.
05 Q. And isn't it also true that you
06 did not directly download from hanmail.net
07 any emails from the "marketone" email
08 account @hanmail.net?

16. PAGE 39:10 TO 39:13 (RUNNING 00:00:11.953)

10 A. Yes. That is correct.
11 Q. And isn't it true that you did
12 not directly download from DAUM.net any
13 emails from any email account @DAUM.net?

17. PAGE 39:15 TO 39:15 (RUNNING 00:00:02.023)

15 A. That is correct.

18. PAGE 44:09 TO 44:12 (RUNNING 00:00:16.050)

09 Do you believe that if you
10 search the contents of the electronic hard
11 drive for emails from howl1@hanmail.net,
12 that you would find them?

19. PAGE 44:15 TO 44:23 (RUNNING 00:00:27.429)

15 A. If I remember correctly, this
16 email address, howl1@hanmail, I have seen
17 this email address on numerous occasions
18 in external hard drive.
19 Q. That being so, do you believe
20 that if you search the contents of the
21 electronic hard drive for emails from
22 howl1@hanmail.net, that you will find

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23 them?

20. PAGE 45:02 TO 45:12 (RUNNING 00:00:33.968)

02 A. What I stated earlier is that I
03 have seen this particular email address,
04 "howl11" address in the external hard
05 drive. I have seen this domain email
06 address. But that does not mean that if
07 you search this, the contents of this
08 email will be there. What I'm saying is
09 that I took this screen shot, the list of
10 email address. That doesn't mean that if
11 you click this, there will be email
12 contents.

21. PAGE 72:19 TO 72:20 (RUNNING 00:00:09.642)

19 You do not personally know
20 Mr. Yeo Won Yoon of Nongshim, do you?

22. PAGE 72:21 TO 72:21 (RUNNING 00:00:01.963)

21 A. That is correct.

23. PAGE 78:02 TO 78:03 (RUNNING 00:00:04.742)

02 Q. Please look on the same page,
03 SYK2624, there are a couple of boxes in

24. PAGE 78:03 TO 78:04 (RUNNING 00:00:04.633)

03 SYK2624, there are a couple of boxes in
04 the lower right corner. I am directing

25. PAGE 78:05 TO 78:07 (RUNNING 00:00:08.174)

05 your attention to the upper one of those
06 two boxes.
07 Do you see?

26. PAGE 78:08 TO 78:10 (RUNNING 00:00:02.951)

08 A. Yes.
09 Q. Did you write the contents of
10 that box?

27. PAGE 78:11 TO 78:14 (RUNNING 00:00:05.790)

11 A. Yes, I did.
12 Q. Would you please read the
13 contents that you wrote in that box into
14 the record.

28. PAGE 78:15 TO 78:20 (RUNNING 00:00:15.368)

15 A. "The date Nongshim price --
16 increased its price, December 24th,
17 announced to the -- media announcement
18 date, December 23rd."
19 Q. When did Nongshim communicate
20 this to its distributors?

29. PAGE 78:23 TO 78:23 (RUNNING 00:00:03.685)

23 A. Well, I do not know that.

30. PAGE 82:16 TO 82:17 (RUNNING 00:00:04.619)

16 Q. Mr. Park, my question is
17 different.

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31. PAGE 82:18 TO 82:22 (RUNNING 00:00:21.374)

18 My question is you cannot, by
19 looking at page SYK26 -- 2629 alone, tell
20 me which of the listed items relates to
21 price increase advance information, can
22 you?

32. PAGE 82:25 TO 83:02 (RUNNING 00:00:05.969)

25 A. That is correct. I cannot find
00083:01 PARK - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 the information concerning price increase.

33. PAGE 90:13 TO 90:16 (RUNNING 00:00:15.940)

13 Q. And doesn't your statement in
14 the numbered paragraph 1 on this page say
15 that you are speculating that a fax from
16 Nongshim was from Yeo Won Yoon?

34. PAGE 90:19 TO 90:20 (RUNNING 00:00:06.585)

19 A. Yes. That is correct. I assume
20 it was from Yeo Won Yoon.

35. PAGE 93:05 TO 93:07 (RUNNING 00:00:03.941)

05 My question is what does it say
06 just below that line on the left-hand
07 side?

36. PAGE 93:11 TO 93:12 (RUNNING 00:00:04.704)

11 A. Yes. I understand now.
12 Q. Please read what that says.

37. PAGE 93:13 TO 93:16 (RUNNING 00:00:09.567)

13 A. "Recipient: Account
14 representative."
15 Q. So it says, "To account
16 representative"; right?

38. PAGE 93:17 TO 93:19 (RUNNING 00:00:08.773)

17 A. Yes. That is correct.
18 Q. The line below that, what does
19 it say?

39. PAGE 93:20 TO 93:23 (RUNNING 00:00:14.142)

20 A. It's illegible. I cannot tell.
21 Q. Please look at it, listen to my
22 question, and tell me if you can tell that
23 it says what I'm reading.

40. PAGE 93:24 TO 94:03 (RUNNING 00:00:08.252)

24 A. Yes.
25 Q. "CC or copy manager of
00094:01 PARK - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 purchasing department, person charged with
03 purchasing."

41. PAGE 94:14 TO 94:14 (RUNNING 00:00:04.255)

14 Q. Mr. Park, now that you've read

42. PAGE 94:15 TO 94:17 (RUNNING 00:00:10.320)

15 this, do you have an understanding that
16 this is Nongshim's memorandum to its

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17 customers announcing the price increase?

43. PAGE 94:20 TO 94:23 (RUNNING 00:00:11.118)

20 A. What I tried to show through
21 this document is that before Nongshim
22 raised its price, Nongshim received
23 from --

44. PAGE 95:02 TO 95:05 (RUNNING 00:00:16.808)

02 A. Samyang received price increase
03 information from Nongshim. And I was not
04 interested in -- to whom Nongshim send
05 this information. And according to this,

45. PAGE 95:06 TO 95:13 (RUNNING 00:00:29.060)

06 recipient is -- or "to" is representative
07 of account or account representative. But
08 I don't know what that refers to. I have
09 no idea.
10 Q. Does that Korean language
11 portion that you read as account
12 representative -- does that equally mean
13 representative of customer?

46. PAGE 95:14 TO 95:15 (RUNNING 00:00:04.289)

14 A. That's one way of interpreting
15 that.

47. PAGE 114:09 TO 114:13 (RUNNING 00:00:09.721)

09 Q. Mr. Park, multiple times in your
10 deposition, you've testified that you're
11 not a computer expert.
12 You're not changing that
13 testimony now, are you?

48. PAGE 114:16 TO 114:17 (RUNNING 00:00:02.487)

16 A. No. No. I'm not a computer
17 expert.

49. PAGE 121:09 TO 121:13 (RUNNING 00:00:14.467)

09 Do you agree if Mr. Ki Hong Kim
10 had retired from Nongshim nearly eight
11 months before the fax that you testified
12 about was sent, then the testimony about
13 him sending the fax is incorrect; right?

50. PAGE 121:18 TO 121:25 (RUNNING 00:00:29.981)

18 A. Well, if I just look at the --
19 what's in the -- my testimony, if -- just
20 based on that, then that statement might
21 be -- be incorrect.
22 MS. YU: Might be incorrect or
23 might be correct?
24 THE INTERPRETER: The statement
25 in this document is incorrect.

51. PAGE 122:24 TO 123:05 (RUNNING 00:00:22.120)

24 Q. Mr. Park, I represent to you
25 that Exhibit 39 is a true and correct copy
00123:01 PARK - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 of a business record from Nongshim Company
03 Limited and that it is a true and correct

Ottogi

04 copy of the personnel records card for now
05 retired employee, Ki Hong Kim.

52. PAGE 123:06 TO 123:09 (RUNNING 00:00:14.058)

06 Looking at the first line of the
07 Korean text on Exhibit 39 inside the
08 boxes, does this record state that Ki Hong
09 Kim voluntarily retired on April 30, 2004?

53. PAGE 123:16 TO 123:19 (RUNNING 00:00:10.393)

16 A. It states that the member
17 retirement.
18 Q. And the date of retirement it
19 states is April 30, 2004; right?

54. PAGE 123:20 TO 123:20 (RUNNING 00:00:01.188)

20 A. Correct.

55. PAGE 143:23 TO 144:03 (RUNNING 00:00:15.036)

23 Q. Okay. Did Mr. Seo tell you in
24 that period of time between May 2008 and
25 August 31, 2008, that he had been
00144:01 PARK - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 communicating with Samyang's Ramen
03 competitors?

56. PAGE 144:08 TO 144:08 (RUNNING 00:00:03.981)

08 A. No. He did not tell me such as

57. PAGE 144:08 TO 144:17 (RUNNING 00:00:24.024)

08 A. No. He did not tell me such as
09 that. He brought the information that he
10 obtained from the information exchange.
11 He did not tell me with whom he was
12 communicating or which competitor or
13 competitors he was exchanging information
14 or where. I was not really interested in
15 that type of information. He just
16 reported the result of information
17 exchange.

TOTAL: 2 CLIPS FROM 2 DEPOSITIONS (RUNNING 00:21:24.461)

COURT EXHIBIT 13c

KoreanNoodles

Park, Jeong-Eun (Vol. 01) - 01/18/2016

1 CLIP (RUNNING 00:01:58.012)

ReDirect

PARKJEONGEUN-0118R

4 SEGMENTS (RUNNING 00:01:58.012)



1. PAGE 118:10 TO 118:12 (RUNNING 00:00:10.386)

10 Do you recall what years you
 11 found documents such as Exhibit 27 in the
 12 hard drive?

2. PAGE 118:17 TO 119:07 (RUNNING 00:01:33.558)

17 A. For starters, I did not extract
 18 all the documents similar to this but --
 19 for every single year. But I just picked
 20 two years, as an example, 2004 and 2007,
 21 and that's how I testified earlier.
 22 But if you compare this document
 23 with the second screen shot on 2635, which
 24 is that we -- Samyang received information
 25 on February 26, 2007, and that information
 00119:01 or the contents are exactly the same.
 02 What I mean is that the products
 03 and the factory price -- factory price,
 04 the specifications or the size and the
 05 suggested retail price -- those are the
 06 same.
 07

3. PAGE 134:07 TO 134:10 (RUNNING 00:00:11.138)

07 Q. But is it your testimony that
 08 every place where there is a screen shot
 09 in your statement, the screen shot was
 10 taken from the portable hard drive?

4. PAGE 134:11 TO 134:11 (RUNNING 00:00:02.930)

11 A. Yes. That is my understanding.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:01:58.012)

KoreanNoodles

Park, Jeong-Eun (Vol. 02) - 01/19/2016**1 CLIP (RUNNING 00:05:32.955)**

ReDirect

PARKJEONGEUN-0119R 19 SEGMENTS (RUNNING 00:05:32.955)**1. PAGE 17:24 TO 18:03 (RUNNING 00:00:17.072)**

24 Q. You do know that some of the
25 material cut-and-paste from the external
00018:01
02 hard drive was included with your witness
03 statement; right?

2. PAGE 18:06 TO 18:09 (RUNNING 00:00:16.633)

06 A. Are you asking the part of what
07 was in the hard drive was cut and paste
08 and included in the -- in my statement
09 that was submitted to the KFTC?

3. PAGE 18:10 TO 18:10 (RUNNING 00:00:01.242)

10 Q. Yes. That's true, isn't it?

4. PAGE 18:11 TO 18:11 (RUNNING 00:00:01.984)

11 A. Yes. That is true.

5. PAGE 18:12 TO 18:14 (RUNNING 00:00:10.534)

12 Q. And did you personally prepare
13 all of the cut-and-paste information that
14 is included in your statement to the KFTC?

6. PAGE 18:15 TO 18:17 (RUNNING 00:00:10.028)

15 A. That is correct. All the
16 cut-and-paste sections that appear in my
17 statement were prepared by me.

7. PAGE 80:13 TO 80:15 (RUNNING 00:00:28.557)

13 Q. So please look at page SYK2629.
14 This is one of those lists of emails;
15 right?

8. PAGE 80:18 TO 80:18 (RUNNING 00:00:01.725)

18 A. Yes. That is correct.

9. PAGE 80:19 TO 80:21 (RUNNING 00:00:08.988)

19 Q. And you extracted that list in
20 the way it appears here from the external
21 hard drive; right?

10. PAGE 80:22 TO 80:22 (RUNNING 00:00:02.809)

22 A. Yes. I believe I did.

11. PAGE 80:23 TO 81:05 (RUNNING 00:00:44.177)

23 Q. On the next page, SYK2630, in
24 the second paragraph on that page, you
25 start by saying -- at least in the English
00081:01
02 translation, you start by saying, "Looking

KoreanNoodles

03 at the details of the above email."
04 Do you see that reference, in
05 the Korean original, I mean?

12. PAGE 81:06 TO 81:09 (RUNNING 00:00:12.853)

06 A. In Korean, it doesn't say
07 "details of the above email." It just
08 says that "looking at the contents of the
09 above email."

13. PAGE 81:10 TO 81:14 (RUNNING 00:00:12.088)

10 Q. Okay. And one of the things
11 that you testify here that can be seen by
12 looking at the content of the above emails
13 relates to price increase advance
14 information.

14. PAGE 81:15 TO 81:16 (RUNNING 00:00:06.727)

15 A. Not only price increase advance
16 information.

15. PAGE 81:17 TO 81:19 (RUNNING 00:00:03.064)

17 Q. I understand. But that's the
18 one I'm asking you about.
19 A. But there are other things.

16. PAGE 81:20 TO 81:25 (RUNNING 00:00:20.167)

20 Q. Yes. I understand.
21 But isn't it true that, using
22 only the image on SYK2629 alone, you
23 cannot identify which of those items
24 relates to price increase advance
25 information, can you?

17. PAGE 82:06 TO 82:15 (RUNNING 00:00:38.540)

06 A. As I stated earlier, that this
07 email list or the emails do not just
08 concern a price increase, but other
09 emails -- other information as well other
10 than just price increase, that just by
11 looking at the list of these emails, one
12 can tell that the information concerning
13 management, overall management, has been
14 exchanged just by even looking at the
15 title of this.

18. PAGE 117:19 TO 117:22 (RUNNING 00:00:17.084)

19 Q. Mr. Park, would you agree with
20 me that if Ki Hong Kim had retired from
21 Nongshim months before December 22, 2004,
22 that he did not send any fax to Samyang?

19. PAGE 117:25 TO 118:14 (RUNNING 00:01:18.683)

25 A. As I mentioned in my statement,
00118:01
02 that this is not the material that I
03 extracted from the external hard drive.
04 And this is the material that I had
05 received from Samyang Gumi branch office.
06 That is why there was -- there is no way
07 for me to know whether Ki Hong Kim from
08 Nongshim, in fact, sent this particular
09 fax to Samyang.

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10 This merely shows that -- that
11 Samyang Gumi branch office exchanged its
12 information with Nongshim Gumi branch
13 office, and Samyang Gumi branch office
14 counterpart at Nongshim was Ki Hong Kim.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:05:32.955)

COURT EXHIBIT 14a

Case Clip(s) Detailed Report
Friday, November 16, 2018, 1:04:42 PM

KoreanNoodles

 **Lee, Se Chang (Vol. 01) - 04/05/2016**

1 CLIP (RUNNING 00:08:29.531)



LEESECHANG-0405

57 SEGMENTS (RUNNING 00:08:29.531)



1. PAGE 5:12 TO 5:17 (RUNNING 00:00:17.654)

12 A L B E R T K I M,
13 the interpreter, having first
14 been duly sworn by Sharon Lengel,
15 the Notary Public, interpreted
16 the testimony as follows:
17 S E C H A N G L E E,

2. PAGE 5:18 TO 5:21 (RUNNING 00:00:01.495)

18 having first been duly sworn by
19 Sharon Lengel, the Notary Public,
20 was examined and testified as
21 follows:

3. PAGE 9:06 TO 9:07 (RUNNING 00:00:01.930)

06 Q. Okay. Where are you currently
07 employed?

4. PAGE 9:08 TO 9:09 (RUNNING 00:00:03.693)

08 A. That would be Ottogi Corporation
09 Limited.

5. PAGE 9:10 TO 9:13 (RUNNING 00:00:09.066)

10 Q. If I refer to that corporate
11 entity today as Ottogi Korea, will you
12 understand that I'm referring to Ottogi
13 Corporation Limited?

6. PAGE 9:14 TO 9:14 (RUNNING 00:00:01.967)

14 A. Yes.

7. PAGE 9:15 TO 9:16 (RUNNING 00:00:02.392)

15 Q. When did you start working at
16 Ottogi Korea?

8. PAGE 9:17 TO 9:17 (RUNNING 00:00:04.229)

17 A. January of 1991.

9. PAGE 9:18 TO 9:19 (RUNNING 00:00:05.918)

18 Q. And what was your position and
19 duties in January of 1991?

10. PAGE 9:20 TO 9:23 (RUNNING 00:00:15.682)

20 A. So I came on-board with what was
21 called the sales planning office, which is
22 part of the staff organization within
23 sales. I came on-board as a new hire.

11. PAGE 9:24 TO 9:25 (RUNNING 00:00:02.882)

24 Q. Okay. And how long were you
25 with the sales planning office?

Case Clip(s) Detailed Report
Friday, November 16, 2018, 1:04:42 PM

KoreanNoodles

12. PAGE 10:02 TO 10:04 (RUNNING 00:00:10.413)

02 A. So that was through 2004. It
03 was in 2004 when I moved elsewhere. So I
04 was there for 13 full years.

13. PAGE 10:05 TO 10:06 (RUNNING 00:00:02.386)

05 Q. Okay. And where did you move to
06 in 2004?

14. PAGE 10:07 TO 10:09 (RUNNING 00:00:07.277)

07 A. So there was a unit called
08 management innovation team. So that's
09 where I moved to in 2004.

15. PAGE 10:10 TO 10:11 (RUNNING 00:00:02.544)

10 Q. What did the management
11 innovation team do?

16. PAGE 10:12 TO 10:14 (RUNNING 00:00:09.738)

12 A. So while there, I mostly worked
13 on IT and process innovation, those two
14 aspects.

17. PAGE 10:15 TO 10:16 (RUNNING 00:00:02.481)

15 Q. How long were you with the
16 management innovation team?

18. PAGE 10:17 TO 10:19 (RUNNING 00:00:11.740)

17 A. Through 2005, through March
18 of -- I'm sorry. I mean 2015. Sorry.
19 2015.

19. PAGE 10:20 TO 10:21 (RUNNING 00:00:02.958)

20 Q. And where did you move to in
21 March of 2015?

20. PAGE 10:22 TO 10:23 (RUNNING 00:00:07.092)

22 A. So I'm presently in charge of
23 the general affairs team.

21. PAGE 10:24 TO 10:25 (RUNNING 00:00:03.284)

24 Q. So are you the team leader for
25 the general affairs team?

22. PAGE 11:02 TO 11:02 (RUNNING 00:00:01.566)

02 A. Yes.

23. PAGE 13:05 TO 13:09 (RUNNING 00:00:19.293)

05 Q. Do you know whether Ottogi Korea
06 has an email server that is centralized
07 and can be accessed by its employees
08 regardless of what computer terminal they
09 are using?

24. PAGE 13:10 TO 13:10 (RUNNING 00:00:02.089)

10 A. Yes. The company does.

25. PAGE 13:16 TO 13:19 (RUNNING 00:00:15.365)

16 Q. Okay. Do you know whether the
17 Ottogi email server is used by employees

Case Clip(s) Detailed Report
Friday, November 16, 2018, 1:04:42 PM

KoreanNoodles

18 of other Ottogi entities besides Ottogi
19 Korea?

26. PAGE 13:20 TO 13:20 (RUNNING 00:00:02.056)

20 A. Yes.

27. PAGE 13:21 TO 13:23 (RUNNING 00:00:07.545)

21 Q. So employees of Ottogi Ramen,
22 Inc., would use the Ottogi Korea email
23 server; is that right?

28. PAGE 13:24 TO 14:06 (RUNNING 00:00:22.344)

24 A. So there is actually a separate
25 company to which these functions were
00014:01
02 outsourced in terms of the mail server and
03 such. My understanding is that the --
04 they make available the use of the email
05 server to Ottogi Korea as well as Ramen
06 and so forth.

29. PAGE 14:07 TO 14:09 (RUNNING 00:00:10.934)

07 Q. What is the name of that
08 separate company that maintains the email
09 server?

30. PAGE 14:10 TO 14:13 (RUNNING 00:00:12.005)

10 A. It's called --
11 THE INTERPRETER: Let's go
12 with --
13 A. -- Poonglim Data Systems.

31. PAGE 14:23 TO 15:03 (RUNNING 00:00:15.612)

23 Q. Okay. And do you know whether
24 the email server that is maintained by
25 Poonglim Data Systems that is used by
00015:01
02 Ottogi Korea is also used by employees of
03 Ottogi America?

32. PAGE 16:02 TO 16:02 (RUNNING 00:00:01.637)

02 A. Yes.

33. PAGE 16:05 TO 16:09 (RUNNING 00:00:20.192)

05 Does the management improvement
06 team or its predecessor establish any
07 policies concerning the retention of
08 emails on the email server maintained by
09 Poonglim Data Systems?

34. PAGE 16:10 TO 16:10 (RUNNING 00:00:01.819)

10 A. Yes.

35. PAGE 16:11 TO 16:12 (RUNNING 00:00:03.919)

11 Q. Do you know whether those
12 policies exist in written form?

36. PAGE 16:13 TO 16:15 (RUNNING 00:00:14.051)

13 A. Depending on the, say, issue at
14 hand, some of it could be in written form;
15 some of it could be done in oral fashion.

Case Clip(s) Detailed Report
Friday, November 16, 2018, 1:04:42 PM

KoreanNoodles

37. PAGE 16:16 TO 16:18 (RUNNING 00:00:12.141)

16 Q. Okay. Are you aware of any
17 compilation of the written policies
18 related to email retention?

38. PAGE 16:19 TO 16:22 (RUNNING 00:00:05.874)

19 A. And you're asking this in terms
20 of the preservation or retention of
21 emails; right?
22 Q. I am.

39. PAGE 16:23 TO 17:05 (RUNNING 00:00:28.298)

23 A. So offhand, I am not sure if I
24 can recall anything written, as such. But
25 in terms of the, say -- say, the
00017:01
02 directives or guidance in that regard,
03 there is something that the management
04 improvement team has promulgated to
05 Poonglim.

40. PAGE 18:24 TO 19:03 (RUNNING 00:00:12.622)

24 Q. Are there any limitations placed
25 on the length of time that an electronic
00019:01
02 document, such as an email, should be
03 retained?

41. PAGE 19:04 TO 19:10 (RUNNING 00:00:23.280)

04 A. So in terms of what might be
05 termed "electronic files," I'm talking
06 about files. There is no limitation
07 placed, based upon what my understanding
08 is. When it comes to emails, however,
09 there is a one-month limitation for how
10 long you keep those.

42. PAGE 19:11 TO 19:13 (RUNNING 00:00:07.294)

11 Q. So are employees required to
12 delete any emails that are older than one
13 month?

43. PAGE 19:14 TO 19:15 (RUNNING 00:00:04.703)

14 A. No. It's not the people
15 themselves who do that.

44. PAGE 19:16 TO 19:16 (RUNNING 00:00:00.809)

16 Q. Okay. How does it work?

45. PAGE 19:17 TO 19:20 (RUNNING 00:00:12.649)

17 A. So that is a function of the
18 server itself. So it basically retains
19 emails for a one-month period, after which
20 it, you know, deletes them.

46. PAGE 19:21 TO 19:23 (RUNNING 00:00:10.008)

21 Q. Does it delete and then
22 overwrite the storage where they were, or
23 does it simply delete them?

Case Clip(s) Detailed Report
Friday, November 16, 2018, 1:04:42 PM

KoreanNoodles

47. PAGE 20:02 TO 20:05 (RUNNING 00:00:10.041)

02 A. The system deletes it, and then,
03 for at least that particular day, we hold
04 on to that information. And then the next
05 day, it gets overwritten.

48. PAGE 20:06 TO 20:10 (RUNNING 00:00:13.705)

06 Q. If someone received an important
07 email that they thought needed to be
08 preserved, for one reason or another, is
09 there a mechanism that they would have to
10 do that?

49. PAGE 20:11 TO 20:13 (RUNNING 00:00:13.315)

11 A. Well, within the tool itself,
12 there is a way for each individual to
13 basically personally store such things.

50. PAGE 20:14 TO 20:15 (RUNNING 00:00:06.863)

14 Q. How much storage space would an
15 individual have, or is that limited?

51. PAGE 20:20 TO 20:21 (RUNNING 00:00:08.035)

20 A. So individuals store things not
21 on the server but on their own PCs.

52. PAGE 28:10 TO 28:12 (RUNNING 00:00:31.884)

10 Q. Can you tell me when Ottogi
11 instituted the automatic monthly delete
12 system on its email server.

53. PAGE 28:13 TO 28:14 (RUNNING 00:00:07.437)

13 A. I recall that as being sometime
14 around March of 2009.

54. PAGE 28:15 TO 28:16 (RUNNING 00:00:03.555)

15 Q. What was the policy prior to
16 March of 2009?

55. PAGE 28:17 TO 28:19 (RUNNING 00:00:15.721)

17 A. So before that, the email was
18 restricted in terms of the sizes of each
19 individual's boxes.

56. PAGE 28:20 TO 28:21 (RUNNING 00:00:03.051)

20 Q. Okay. Were they still
21 maintained on a central server?

57. PAGE 28:22 TO 28:22 (RUNNING 00:00:00.998)

22 A. Yes.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:08:29.531)

COURT EXHIBIT 14b

Ottogi

 **Lee, Se C. (Vol. 01) - 04/05/2016****1 CLIP (RUNNING 00:08:20.492)** Se Chang Lee 11-13-18**SECHANGLEE 32 SEGMENTS (RUNNING 00:08:20.492)****1. PAGE 10:10 TO 10:11 (RUNNING 00:00:02.397)**

10 Q. What did the management
11 innovation team do?

2. PAGE 10:12 TO 10:14 (RUNNING 00:00:07.631)

12 A. So while there, I mostly worked
13 on IT and process innovation, those two
14 aspects.

3. PAGE 14:07 TO 14:09 (RUNNING 00:00:10.672)

07 Q. What is the name of that
08 separate company that maintains the email
09 server?

4. PAGE 14:10 TO 14:13 (RUNNING 00:00:10.814)

10 A. It's called --
11 THE INTERPRETER: Let's go
12 with --
13 A. -- Poonglim Data Systems.

5. PAGE 19:11 TO 19:13 (RUNNING 00:00:07.130)

11 Q. So are employees required to
12 delete any emails that are older than one
13 month?

6. PAGE 19:14 TO 19:15 (RUNNING 00:00:02.373)

14 A. No. It's not the people
15 themselves who do that.

7. PAGE 19:21 TO 19:23 (RUNNING 00:00:10.077)

21 Q. Does it delete and then
22 overwrite the storage where they were, or
23 does it simply delete them?

8. PAGE 20:02 TO 20:10 (RUNNING 00:00:32.992)

02 A. The system deletes it, and then,
03 for at least that particular day, we hold
04 on to that information. And then the next
05 day, it gets overwritten.
06 Q. If someone received an important
07 email that they thought needed to be
08 preserved, for one reason or another, is
09 there a mechanism that they would have to
10 do that?

9. PAGE 20:11 TO 20:15 (RUNNING 00:00:16.222)

11 A. Well, within the tool itself,
12 there is a way for each individual to
13 basically personally store such things.
14 Q. How much storage space would an
15 individual have, or is that limited?

Ottogi

10. PAGE 20:20 TO 20:21 (RUNNING 00:00:06.724)

20 A. So individuals store things not
21 on the server but on their own PCs.

11. PAGE 27:15 TO 27:20 (RUNNING 00:00:27.465)

15 Q. So if I wanted to find that
16 January 1, 2008, email today, unless
17 someone had downloaded it to their PC,
18 there would be no electronic record of
19 that email anywhere on Ottogi's systems;
20 is that correct?

12. PAGE 27:21 TO 27:21 (RUNNING 00:00:01.740)

21 A. That is correct.

13. PAGE 28:23 TO 29:03 (RUNNING 00:00:13.896)

23 Q. Okay. So if I understand
24 correctly, on the Ottogi email server,
25 each individual who had been issued an
00029:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 email account would be given a certain
03 amount of space; is that correct?

14. PAGE 29:04 TO 29:06 (RUNNING 00:00:02.934)

04 A. Yes.
05 Q. Do you recall how much space
06 that was?

15. PAGE 29:07 TO 29:10 (RUNNING 00:00:11.207)

07 A. Gee, I wonder if I can recall.
08 I think we're probably talking about
09 something like 200 megs to maybe 300 megs
10 possibly. This is not exact.

16. PAGE 29:18 TO 29:22 (RUNNING 00:00:18.560)

18 Q. If an email had been sent and
19 was in somebody's email account from, say,
20 2007, what would have happened to that
21 email after the new policy was instituted
22 in March of 2009?

17. PAGE 29:23 TO 30:04 (RUNNING 00:00:12.832)

23 A. So we talked about that during
24 the previous hours. Basically, to
25 whatever extent an individual felt it
00030:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 necessary, they can locally store that on
03 their own PC, and if not, then, you know,
04 it would be deleted.

18. PAGE 39:10 TO 39:20 (RUNNING 00:00:36.170)

10 Q. During your testimony earlier
11 today, you indicated that when you
12 implemented your new email policy in March
13 of 2009, where the emails would be deleted
14 after 30 days, you had sent out word by
15 email to the effect that you would soon be
16 implementing that system, and, to whatever
17 extent each individual saw fit, they would
18 be well to download email and locally
19 store things.
20 Do you recall that testimony?

Ottogi

19. PAGE 39:21 TO 39:21 (RUNNING 00:00:01.265)

21 A. Yes.

20. PAGE 40:05 TO 40:09 (RUNNING 00:00:14.575)

05 Q. No. No.
 06 Prior to that email being sent
 07 out to employees informing them about the
 08 new policy with respect to emails, did you
 09 review that email that was sent out?

21. PAGE 40:10 TO 40:14 (RUNNING 00:00:26.370)

10 A. Oh. Yes, I did.
 11 Q. Did that email indicate in any
 12 way that employees should save emails that
 13 might be relevant to an investigation
 14 that's being conducted by the KFTC?

22. PAGE 40:17 TO 40:20 (RUNNING 00:00:11.038)

17 A. Well, I personally don't know
 18 anything about this KFTC matter. And we
 19 just basically pursued things along our
 20 schedule.

23. PAGE 46:21 TO 46:25 (RUNNING 00:00:21.836)

21 During the period from 2000 to
 22 2010, did Ottogi Corporation have a policy
 23 regarding whether it would purchase PCs
 24 for its employees' use or whether it would
 25 lease them?

24. PAGE 47:02 TO 47:07 (RUNNING 00:00:15.967)

02 A. So we were leasing units until,
 03 let's see -- was it in March? No.
 04 Actually, it was in July of 2009, we
 05 started purchasing them.
 06 Q. Do you know what the reason was
 07 for the change in policy?

25. PAGE 47:08 TO 47:09 (RUNNING 00:00:02.623)

08 A. It was for purposes of cutting
 09 down on expenses.

26. PAGE 47:21 TO 47:24 (RUNNING 00:00:13.752)

21 Q. Okay. Was there a particular
 22 period that you used for each PC lease up
 23 until July of 2009? Was it a three-year
 24 term for each PC, for example?

27. PAGE 47:25 TO 48:13 (RUNNING 00:00:44.525)

25 A. So originally, it used to be a
 00048:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 three-year lease period. And then more or
 03 less around this July timeframe or so, for
 04 a while, the lease term had been extended
 05 to four years.
 06 Q. Okay. So during the earlier
 07 period, when a PC came to the end of its
 08 lease period -- say, for example, if it
 09 came to the end of its useful -- if it
 10 came to the end of its lease period in
 11 July of 2005, who would take that PC,
 12 return it, and what would happen to the

Ottogi

13 data that was on it?

28. PAGE 48:14 TO 48:22 (RUNNING 00:00:32.709)

14 A. So upon the turning in of the
15 unit, the program, Final Eraser, would be
16 used for purposes of wiping it out, and
17 then would the unit be returned to the
18 company from which the unit was leased.
19 Q. Okay. Was the Final Eraser
20 program run by employees of Ottogi Korea,
21 or was it run by the company from which
22 the PCs were leased?

29. PAGE 48:23 TO 48:25 (RUNNING 00:00:05.966)

23 A. So it would be run by the
24 company that would -- would lease the PCs
25 to us.

30. PAGE 49:07 TO 49:11 (RUNNING 00:00:17.795)

07 Q. During the period while you were
08 still using the lease system for your
09 computer, so prior to July of 2009, what
10 would happen to a PC that an employee was
11 using when that employee left the company?

31. PAGE 49:12 TO 50:05 (RUNNING 00:00:58.874)

12 A. Well, if you're asking as to the
13 PC of an employee who's departing the
14 company, I think we're just going over the
15 same grounds here. Basically, some person
16 with the rental company, the leasing
17 company, would use Final Eraser and wipe
18 everything out, and upon that, that PC
19 would be returned to that company.

20 Q. Okay. Now let's talk about the
21 period after July of 2009 when Ottogi
22 Korea started purchasing its own PCs.

23 If I understand your testimony
24 correctly, there was a phase-in period
25 during which employees were still using
00050:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 leased computers, and as their leases
03 would run out, those computers would be
04 replaced by PCs that were owned by Ottogi
05 Korea; is that correct?

32. PAGE 50:14 TO 50:14 (RUNNING 00:00:01.361)

14 A. That is correct.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:08:20.492)

COURT EXHIBIT 15a

KoreanNoodles

Nguyen, Christina (Vol. 01) - 01/28/2018

1 CLIP (RUNNING 00:04:52.275)

IPP Witness

ChristinaNguyen

8 SEGMENTS (RUNNING 00:04:52.275)



1. PAGE 7:24 TO 8:01 (RUNNING 00:00:06.297)

24 May we please have introductions beginning with the
 25 witness. Your name.
 00008:01 THE WITNESS: My name Christina Nguyen.

2. PAGE 8:10 TO 8:12 (RUNNING 00:00:11.920)

10 CHRISTINA NGUYEN,
 11 a witness herein, having been administered an oath, was
 12 examined, and testified as follows:

3. PAGE 29:09 TO 30:05 (RUNNING 00:01:14.251)

09 Q. Do you recall how frequently you bought Korean
 10 ramen products?
 11 A. Yes.
 12 Q. How frequently?
 13 A. I bought like three -- roughly three, four
 14 months. Three or four months.
 15 Q. Can you explain what you mean by that?
 16 A. I mean, I bought it every -- like depending how
 17 much I use.
 18 Q. So --
 19 A. Depend on, you know, you know, if I use more,
 20 then I buy more. But roughly, like about three months.
 21 Q. Okay. So every three or four months you would
 22 stock up on more Korean ramen; is that right?
 23 A. Not stock up. I don't stock up. I just buy,
 24 and I use it.
 25 And then when I finish it, and then I buy it.
 00030:01 Q. Okay. And at what point did you begin this
 02 practice of purchasing Korean ramen products every three
 03 or four months?
 04 A. Not practice. I buy it for convenience because
 05 sometimes I'm lazy, I don't want to cook, so I eat ramen.

4. PAGE 58:18 TO 59:01 (RUNNING 00:00:36.836)

18 Q. Have you ever purchased ramen product that was
 19 produced by one of the defendants in this lawsuit?
 20 A. Yes.
 21 Q. And do you recall -- Strike that.
 22 Which products from defendants have you purchased?
 23 A. I bought Nongshim Spicy Kimchi Noodle.
 24 Q. Have you bought any other products manufactured
 25 by defendants?
 00059:01 A. I mostly like that one the most.

5. PAGE 62:06 TO 62:12 (RUNNING 00:00:25.650)

06 Q. And you don't recall purchasing any other
 07 specific Korean ramen products other than the Nongshim
 08 Spicy Kimchi Noodle; correct?
 09 A. Sometimes they changed the flavor.
 10 Q. What other flavors did you purchase?
 11 A. Something, I just buy hot only. Spicy only.
 12 But mostly I use spicy Kimchi.

KoreanNoodles

6. PAGE 64:05 TO 64:24 (RUNNING 00:00:56.143)

05 Q. Which aspect of a ramen product is most
 06 important to you?
 07 A. I don't understand your question.
 08 Q. Is it price? Availability? Flavor? What's the
 09 most important aspect of ramen products to you in your
 10 purchasing decisions?
 11 A. It depends.
 12 Q. What does it depend on?
 13 A. It depend on the price. It depend on the
 14 flavor. It depends.
 15 Q. And how do those factors influence what --
 16 what's most important to you?
 17 A. They all -- They are all important. You know,
 18 if you like it, it's too high, and you don't want to pay
 19 for it because it's too much; but then when you buy
 20 something cheap, and then you go "Oh, it's not good
 21 because I don't like it," so it depends.
 22 Q. You mentioned earlier you like spicy flavors.
 23 Are there any other flavors you like?
 24 A. Not really.

7. PAGE 66:11 TO 66:20 (RUNNING 00:00:18.160)

11 Q. Other than ramen, do you buy any instant soup
 12 products?
 13 A. Instant soup products?
 14 Q. Uh-huh.
 15 A. Can you more specify like what?
 16 Q. Premade soup that you heat up.
 17 A. No.
 18 Q. Only Korean ramen?
 19 A. Yeah. Because I don't like American soup
 20 product.

8. PAGE 69:03 TO 69:24 (RUNNING 00:01:03.018)

03 Q. Okay. Between 2001 and 2010, did you ever
 04 purchase Top Ramen?
 05 A. I think so. I think so.
 06 Q. Do you recall how frequently?
 07 A. Only bought one time. One time.
 08 Q. Okay. Do you recall when that one time was?
 09 A. The Top Ramen, the one in the package; right?
 10 Q. Correct.
 11 A. Yeah, I bought one time.
 12 Q. How are you so confident you only purchased it
 13 one time?
 14 A. Because after I bought it, and I so regret it
 15 because it was horrible.
 16 Q. Have you ever purchased Ichiban Ramen,
 17 I-c-h-i-b-a-n?
 18 A. I think so I bought one time too. I did.
 19 Q. Okay. Was that between 2001 and 2010?
 20 A. Uh-huh. Uh-huh.
 21 Q. Do you -- And do you recall when that purchase
 22 was made?
 23 A. I don't remember, but I bought one time, and I
 24 don't like the flavor.


TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:04:52.275)

COURT EXHIBIT 16a

Ottogi

 **Kim, Bong-Hoon (Vol. 01) - 01/14/2016**

2 CLIPS (RUNNING 00:00:53.138)

 121.11-24

BK27

3 SEGMENTS (RUNNING 00:00:32.803)



1. PAGE 121:11 TO 121:14 (RUNNING 00:00:14.601)

11 Q. Do you know whether or not the
12 marketone@hanmail.net was used to
13 communicate with Nongshim or Ottogi or
14 Paldo?


2. PAGE 121:19 TO 121:21 (RUNNING 00:00:10.220)

19 A. Although I did not personally
20 use that email address, they might have
21 perhaps along with other email address. I


3. PAGE 121:22 TO 121:24 (RUNNING 00:00:07.982)

22 don't check what kind of email address or
23 account each employee uses. So I do not
24 know.

Ottogi

 **Kim, Bong-Hoon (Vol. 01) - 01/14/2016**

2 CLIPS (RUNNING 00:00:53.138)

 142.7-12

BK28

2 SEGMENTS (RUNNING 00:00:20.335)



1. PAGE 142:07 TO 142:09 (RUNNING 00:00:12.491)

07 Q. Were emails to and from the
08 marketone@hanmail.net email address kept
09 on the external hard drive?

2. PAGE 142:10 TO 142:12 (RUNNING 00:00:07.844)

10 A. Because I did not personally
11 retrieve those documents from the external
12 hard drive, so I don't know.

TOTAL: 2 CLIPS FROM 1 DEPOSITIONS (RUNNING 00:00:53.138)

COURT EXHIBIT 17a

KoreanNoodles

Park, Sung Soo (Vol. 01) - 04/27/2016

1 CLIP (RUNNING 00:16:51.669)

PARKSUNGSOO-0427

73 SEGMENTS (RUNNING 00:16:51.669)



1. PAGE 5:10 TO 5:20 (RUNNING 00:00:16.243)

10 A L B E R T K I M,
 11 the interpreter, having
 12 first been duly sworn by
 13 Sharon Lengel, the Notary Public,
 14 interpreted the testimony as
 15 follows:
 16 S U N G S O O P A R K,
 17 having first been duly sworn
 18 by Sharon Lengel, the Notary
 19 Public, was examined and
 20 testified as follows:

2. PAGE 5:16 TO 5:20 (RUNNING 00:00:01.389)

16 S U N G S O O P A R K,
 17 having first been duly sworn
 18 by Sharon Lengel, the Notary
 19 Public, was examined and
 20 testified as follows:

3. PAGE 6:04 TO 6:06 (RUNNING 00:00:08.516)

04 Q. So I understand that you came to
 05 be employed by Nongshim in about January
 06 of 2007; is that right?

4. PAGE 6:07 TO 6:07 (RUNNING 00:00:01.934)

07 A. Yes. That is correct.

5. PAGE 6:19 TO 6:20 (RUNNING 00:00:07.142)

19 Q. Okay. And what team did you get
 20 hired into in January of 2007?

6. PAGE 6:21 TO 6:22 (RUNNING 00:00:09.318)

21 A. So at first, I was placed within
 22 a team called distribution investigation.

7. PAGE 6:23 TO 6:24 (RUNNING 00:00:03.830)

23 Q. Was Yeo Won Yoon still part of
 24 that team when you started?

8. PAGE 6:25 TO 6:25 (RUNNING 00:00:03.150)

25 A. At that time, yes.

9. PAGE 38:05 TO 38:07 (RUNNING 00:00:06.746)

05 Q. All right, sir.
 06 What is your email address, your
 07 Nongshim email address?

10. PAGE 38:08 TO 38:08 (RUNNING 00:00:14.902)

08 A. It's sungsoo@nongshim.com.

KoreanNoodles

11. PAGE 41:08 TO 41:09 (RUNNING 00:00:04.352)

08 Q. All right. You have an email
09 account with Naver?

12. PAGE 41:10 TO 41:10 (RUNNING 00:00:01.595)

10 A. Yes, I do.

13. PAGE 41:11 TO 41:12 (RUNNING 00:00:05.379)

11 Q. And tell me what the email
12 address for the Naver account is, please.

14. PAGE 41:13 TO 41:13 (RUNNING 00:00:13.347)

13 A. So it reads pss0998@naver.com.

15. PAGE 41:14 TO 41:15 (RUNNING 00:00:12.681)

14 Q. And have you held that email
15 account address since 2007, sir?

16. PAGE 41:16 TO 41:18 (RUNNING 00:00:15.903)

16 A. No, sir. I probably have had
17 even from before that -- I don't exactly
18 recall, but it probably predates that.

17. PAGE 76:09 TO 76:10 (RUNNING 00:00:12.429)

09 Have you, at any point in time,
10 provided an interview to the KFTC?

18. PAGE 76:11 TO 76:15 (RUNNING 00:00:18.279)

11 A. Indeed. At one time or another,
12 they summoned me to come in and submit to
13 an interview. And I don't recall the
14 exact date, but I did go in and underwent
15 the process.

19. PAGE 76:16 TO 76:21 (RUNNING 00:00:19.526)

16 MR. LEBSOCK: Let's mark as
17 Exhibit 209 a document Bates labeled
18 OTGKR-0001417 through OTGKR-0001419.
19 (Exhibit 209, Bates
20 OTGKR-0001417, was hereby marked for
21 identification, as of this date.)

20. PAGE 76:22 TO 76:23 (RUNNING 00:00:04.078)

22 Q. Mr. Park, would you take a look
23 at what's been marked as Exhibit 209.

21. PAGE 76:24 TO 76:24 (RUNNING 00:00:02.595)

24 A. All right.

22. PAGE 77:16 TO 77:17 (RUNNING 00:00:08.301)

16 And is this the witness protocol
17 that you signed before the KFTC?

23. PAGE 77:18 TO 77:22 (RUNNING 00:00:22.370)

18 A. I did not sign this, so to say,
19 before the KFTC. But prior to my coming
20 over here, I did receive a copy of this
21 through our legal department, "this" being
22 my protocol of examination.

KoreanNoodles

24. PAGE 77:23 TO 77:25 (RUNNING 00:00:13.575)

23 Q. Okay. So let's look at the last
24 page of your protocol of examination, sir.
25 Do you see your name there?

25. PAGE 78:02 TO 78:02 (RUNNING 00:00:03.692)

02 A. Yes. My name is there.

26. PAGE 78:03 TO 78:03 (RUNNING 00:00:02.044)

03 Q. Is it handwritten?

27. PAGE 78:04 TO 78:04 (RUNNING 00:00:01.795)

04 A. Yes, that's correct.

28. PAGE 78:05 TO 78:06 (RUNNING 00:00:02.153)

05 Q. Who put the handwriting there,
06 sir?

29. PAGE 78:07 TO 78:10 (RUNNING 00:00:11.941)

07 A. I don't have any recollection of
08 myself actually printing that in like
09 that. But it does kind of look like my
10 handwriting.

30. PAGE 78:11 TO 78:12 (RUNNING 00:00:06.926)

11 Q. Okay. And do you see the
12 thumbprint next to your handwriting there?

31. PAGE 78:15 TO 78:19 (RUNNING 00:00:12.464)

15 A. Well, I do see the black smudge
16 of a thing over there. But, you know,
17 it's been way too long, and I don't know
18 if I'm the one who placed that there or
19 not.

32. PAGE 78:20 TO 78:22 (RUNNING 00:00:09.205)

20 Q. You don't have a recollection of
21 putting your thumbprint next to your
22 handwritten name?

33. PAGE 78:23 TO 79:13 (RUNNING 00:00:58.686)

23 A. Well, so as I look at this, I
24 don't see any date here. And the review
25 that I spoke of earlier, before coming
00079:01
02 here, of this protocol of examination, is
03 the first time I actually reviewed this
04 document since the day of the KFTC. And I
05 am thinking that I may have written in my
06 name here. But, then again, I am not too
07 sure about that.
08 And, again, there is no date
09 here. And I'm wondering if I did place a
10 fingerprint of mine there. But, then
11 again, I'm not too sure. But nonetheless,
12 the handwriting does kind of appear to be
13 my handwriting.

34. PAGE 125:05 TO 125:06 (RUNNING 00:00:05.509)

05 Q. Have you ever used the Naver
06 email account for business purposes?

KoreanNoodles

35. PAGE 125:09 TO 125:12 (RUNNING 00:00:14.810)

09 A. So although my recollection may
10 or may not be precise, I don't think I
11 did. I don't think I have for business
12 purposes.

36. PAGE 125:13 TO 125:15 (RUNNING 00:00:05.935)

13 Q. And why do you think that you
14 have not used the Naver email account for
15 business purposes?

37. PAGE 125:16 TO 127:03 (RUNNING 00:02:03.023)

16 A. So to tell you the reason why I
17 submitted my Naver mail account to that
18 third-party vendor, during the efforts by
19 them, was because when I -- before I first
20 came on-board, I didn't have a Nongshim
21 mail account, obviously. And so prior to
22 coming on-board with the company, I used
23 to communicate with my friends and folks
24 by way of Naver.

25 And -- but the orders from the
00126:01
02 legal department at that time were that we
03 submit basically all email accounts from
04 that point in time. And, you know, also,
05 we happen to go on frequent business trips
06 and do a lot of work outside the office
07 premises.

08 And so although it's rather
09 inconceivable that I would ever have used
10 my own mail account for business purposes.
11 But just in case, you know, just in
12 case -- and we're talking about a time
13 when folks didn't carry around laptops
14 here. And I vaguely recall something
15 about how you could access your company
16 email account from outside. But I think
17 it was rather cumbersome. You had to
18 download something or whatever.

19 So just out of an abundance of
20 caution, I did make that available to
21 those folks, just in case I might have, in
22 fact, used it. So that's why I submitted
23 that.

24 But even as I look back,
25 especially as I look back now, you know,
00127:01
02 no, I didn't use it. There is no way that
03 I would have used it.

38. PAGE 128:07 TO 128:09 (RUNNING 00:00:10.911)

07 Has Kim Pyung Ki ever emailed
08 you at your sungsoo@nongshim.com email
09 address?

39. PAGE 128:12 TO 128:13 (RUNNING 00:00:05.817)

12 A. I don't quite know. I cannot
13 quite recall.

40. PAGE 139:21 TO 139:22 (RUNNING 00:00:12.921)

21 Did you receive an email from
22 Kim Pyung Ki on January 31, 2008?

KoreanNoodles

41. PAGE 139:25 TO 140:02 (RUNNING 00:00:06.206)

25 A. Well, you know, I don't quite
00140:01
02 know. I couldn't quite recall.

42. PAGE 140:03 TO 140:05 (RUNNING 00:00:13.281)

03 Q. Did you receive an email from
04 Kim Pyung Ki on January 31, 2008, at
05 18:04:36?

43. PAGE 140:09 TO 140:11 (RUNNING 00:00:08.808)

09 A. I cannot recollect whatsoever,
10 because you're talking about something
11 from quite a while ago. So --

44. PAGE 142:06 TO 142:08 (RUNNING 00:00:11.169)

06 Q. Do you have a recollection of
07 receiving, in January 2008, Korea Yakult's
08 monthly closing results, sir?

45. PAGE 142:12 TO 142:13 (RUNNING 00:00:05.555)

12 A. Well, likewise, I don't quite
13 recall.

46. PAGE 142:14 TO 142:18 (RUNNING 00:00:18.021)

14 Q. Sir, do you remember getting an
15 email from Yakult's Kim Pyung Ki on
16 February the 11th, 2008, with a caption
17 roughly along the lines of "This is Korea
18 Yakult"?

47. PAGE 142:22 TO 143:04 (RUNNING 00:00:25.340)

22 A. Sir, you're really talking about
23 something from quite a while ago. You
24 continue to be asking about something from
25 2008, and I cannot recall, for the life of
00143:01
02 me, as to what emails I may have received,
03 what emails I may have sent back in the
04 day.

48. PAGE 145:09 TO 145:12 (RUNNING 00:00:16.936)

09 Q. Sir, do you have a recollection
10 of receiving an email from Kim Pyung Ki of
11 Korea Yakult on March the 3rd, 2008, with
12 a re line "It's Korea Yakult"?

49. PAGE 145:17 TO 145:21 (RUNNING 00:00:13.513)

17 A. So, again, it's really the same
18 story. I do not recollect, at this point
19 in time, as to what kind of emails, if at
20 all, I may or may not have received with
21 anybody back then in that timeframe.

50. PAGE 145:22 TO 145:24 (RUNNING 00:00:10.472)

22 Q. Sir, do you remember, back in
23 March 2008, receiving information about
24 Korea Yakult's sales policy?

51. PAGE 146:05 TO 146:08 (RUNNING 00:00:15.821)

05 A. Again, same story. I, at this

KoreanNoodles

06 point in time, cannot recollect as to
07 what, if anything, and with whom, if
08 anyone, I may have exchanged back then.

52. PAGE 146:09 TO 146:12 (RUNNING 00:00:13.587)

09 Q. Do you recall ever receiving
10 from Kim Pyung Ki advance information
11 about new product releases of Korea
12 Yakult?

53. PAGE 146:23 TO 147:06 (RUNNING 00:00:22.118)

23 A. Well, so, you know, it's really
24 the same story. At this point in time --
25 look, so if we're talking about 2008, it
00147:01
02 seems to me that we're talking about a
03 good eight or nine years ago. So at this
04 point in time, I cannot recall as to what,
05 if anything, and who, if anyone, at all I
06 may or may not have exchanged.

54. PAGE 150:22 TO 150:25 (RUNNING 00:00:14.466)

22 Do you recall, on May the 16th,
23 2008, receiving an email from Korea
24 Yakult's Kim Pyung Ki with a re line "It's
25 Korea Yakult"?

55. PAGE 151:06 TO 151:09 (RUNNING 00:00:10.925)

06 A. Likewise, I just have no
07 recollection whatsoever as to what I may
08 or may not have exchanged with anybody
09 from such a long time ago.

56. PAGE 151:10 TO 151:13 (RUNNING 00:00:16.668)

10 Q. Do you recall receiving an email
11 on June the 9th, 2008, from Korea Yakult's
12 Kim Pyung Ki with a re line "This is Korea
13 Yakult"?

57. PAGE 151:18 TO 151:22 (RUNNING 00:00:14.634)

18 A. Again, same answer. I, at this
19 point in time, cannot recollect as to what
20 kinds of emails I may or may not have
21 exchanged from such a long time ago with
22 anybody.

58. PAGE 151:23 TO 152:02 (RUNNING 00:00:23.446)

23 Q. Do you recall receiving, on June
24 the 12th, 2008, an email from Kim Pyung Ki
25 to your Naver.com email address with a re
00152:01
02 line "Korea Yakult May"?

59. PAGE 152:10 TO 152:13 (RUNNING 00:00:13.735)

10 A. So, again, it's the same story.
11 I cannot recall at all as to what, if
12 anything, I may or may not have received
13 with anybody from way back then.

60. PAGE 152:14 TO 152:16 (RUNNING 00:00:12.749)

14 Q. And how is it, sir, that anybody
15 from Korea Yakult could get ahold of your

KoreanNoodles

16 Naver.com email address?

61. PAGE 152:20 TO 153:02 (RUNNING 00:00:22.268)

20 A. Well, likewise, you know, if, as
 21 you suggest, somebody within Yakult should
 22 happen to know my -- you know, I actually
 23 don't know exactly what you're talking
 24 about there. But if somebody, per chance,
 25 knows about my Naver email address, I
 00153:01
 02 wouldn't know.

62. PAGE 153:03 TO 153:04 (RUNNING 00:00:07.785)

03 Q. All right. How would Samyang
 04 know about your Naver.com email address?

63. PAGE 153:09 TO 153:15 (RUNNING 00:00:18.559)

09 A. Again, same thing. I don't
 10 know, firstly, as to what exactly you're
 11 basing that question on. I don't know
 12 what you're speaking in terms of. But if,
 13 per chance, somebody sort of knows about
 14 my Naver.com email address, I wouldn't
 15 know.

64. PAGE 153:16 TO 153:18 (RUNNING 00:00:12.080)

16 Q. Do you -- you know now that the
 17 KFTC instituted its investigation of
 18 Nongshim on June the 3rd, 2008; true?

65. PAGE 153:22 TO 154:03 (RUNNING 00:00:18.689)

22 A. Well, so as I mentioned earlier,
 23 actually, I believe I told you clearly
 24 that I don't know as of what date -- what
 25 month and what date they embarked upon
 00154:01
 02 that. It still remains the same. I
 03 don't.

66. PAGE 154:04 TO 154:09 (RUNNING 00:00:36.191)

04 Q. Between -- between June the 9th,
 05 2008, and June the 12th, 2008, did you
 06 call Mr. Kim Pyung Ki and tell him to stop
 07 emailing you at your Nongshim.com email
 08 address to avoid the KFTC's discovery of
 09 your communications with him?

67. PAGE 154:13 TO 154:15 (RUNNING 00:00:11.070)

13 A. Well, likewise, I, firstly,
 14 don't believe I've ever done anything like
 15 that, and I otherwise cannot recollect.

68. PAGE 154:16 TO 154:18 (RUNNING 00:00:14.411)

16 Q. Did you tell Mr. Kim Pyung Ki to
 17 email you at your Naver.com email address
 18 to avoid detection from the KFTC?

69. PAGE 154:20 TO 154:22 (RUNNING 00:00:11.187)

20 A. So it doesn't seem to me that I
 21 ever did, and, basically, I have no
 22 recollection.

KoreanNoodles

70. PAGE 154:23 TO 155:02 (RUNNING 00:00:13.975)

23 Q. Did you delete emails from
24 Mr. Kim Pyung Ki from your Naver.com email
25 address after the KFTC opened its
00155:01
02 investigation, sir?

71. PAGE 155:06 TO 155:09 (RUNNING 00:00:14.009)

06 A. So I have no recollection
07 whatsoever in that regard. It seems to me
08 that I never have done anything like that,
09 but I have no recollection.

72. PAGE 156:24 TO 157:03 (RUNNING 00:00:15.128)

24 Q. Do you have a recollection of
25 receiving an email from Mr. Kim Pyung Ki
00157:01
02 on June the 30th, 2008, in your Naver.com
03 email account?

73. PAGE 157:08 TO 157:11 (RUNNING 00:00:13.455)

08 A. Likewise, I cannot recall at
09 this point in time as to what I may or may
10 not have received or exchanged with
11 somebody else a long time ago.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:16:51.669)

COURT EXHIBIT 17b

Case Clip(s) Detailed Report

Sung Soo Park

Tuesday, November 20, 2018, 2:13:47 PM

Case Clip(s) Detailed Report
 Tuesday, November 20, 2018, 2:13:47 PM

Sung Soo Park

Park, Sung S. (Vol. 01) - 04/27/2016

1 CLIP (RUNNING 00:11:10.226)

All right. And what were you ...

Sung So Park 112018

12 SEGMENTS (RUNNING 00:11:10.226)



1. PAGE 8:17 TO 8:18 (RUNNING 00:00:03.217)

17 Q. All right. And what were you
 18 hired to do?

2. PAGE 8:19 TO 10:14 (RUNNING 00:02:00.665)

19 A. So basically, we're talking
 20 about a time when I was basically a
 21 newbie. And the kind of work that I was
 22 performing was, I would report to work in
 23 the morning, and by about 9:00 to
 24 10:00 a.m., I would always be heading out
 25 into the field. I would return to the
 00009:01 PARK - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 company, say, about 4:00 to 5:00. And,
 03 mind you, I'm still here learning the
 04 ropes at this point in time.
 05 And so when I would go out into
 06 the field, I would believe that I was
 07 perhaps calling on mostly retailer-types
 08 folks, basically our customers, but mostly
 09 retailers in that regard. And aside from
 10 retailers, I would also call on such
 11 specialty contract stores, meaning,
 12 agencies and wholesalers. And on the high
 13 end, I would say that I would visit maybe
 14 20 to 30 or so places, including discount
 15 marts.
 16 And on a daily basis, what I
 17 would do, once out there, would be
 18 essentially to look into how well our
 19 products were being sold. And by how
 20 well, I'm talking about, oh, the overall
 21 quantities being sold, the facing, and,
 22 basically, I would also place a great deal
 23 of emphasis on the overall turnover rate,
 24 the daily turnover rate.
 25 And by the daily turnover rate,
 00010:01 PARK - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 I'm talking about how, in view of the
 03 "good by" certain -- certain date-type
 04 date, how fast our product was being sold
 05 in the marketplace in comparison to, say,
 06 products from other companies, competing
 07 companies.
 08 And I would also look into the
 09 overall statistical distribution as to any
 10 new products that we may have out there in
 11 terms of whether Store A has such a new
 12 product from us, whether Store B has such,
 13 and so forth and so on. I would look into
 14 those things, I would believe, back then.

3. PAGE 19:06 TO 19:08 (RUNNING 00:00:13.619)

06 Q. And tell me, how did you attempt
 07 to demonstrate for your bosses that you

Case Clip(s) Detailed Report
 Tuesday, November 20, 2018, 2:13:47 PM

Sung Soo Park

08 were a good employee?

4. PAGE 19:09 TO 20:16 (RUNNING 00:01:28.013)

09 A. The notion of "good employee" --
 10 well, I mean, I don't know -- you know,
 11 wouldn't that be the same for anybody?
 12 Here, I'd just come on-board
 13 with the company, and I was making new
 14 friends. I was hired on with other
 15 people, my contemporaries. And, frankly,
 16 we were having to be out in the field.
 17 And once you're out in the field, frankly,
 18 the higher-ups wouldn't know what you were
 19 up to, whether you were working hard or
 20 loafing around; right? And there is no
 21 way for them to verify what's going on.
 22 So with that in mind, here, I
 23 have this first opportunity to let them
 24 know who I am, right, what kind of a
 25 person I am. And so my aim was to, you
 00020:01 PARK - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 know, do my job as best I could in terms
 03 of conducting investigation in the most
 04 faithful manner possible.
 05 And for me, I guess, I would say
 06 that if one of my contemporary hires was
 07 visiting five stores, let's say, on any
 08 given day, my aim would be to visit ten
 09 stores. You know, I wonder if that's not
 10 how I did things back then.
 11 Q. Okay. And -- and, sir, was it
 12 important to you -- in demonstrating to
 13 your bosses that you were doing a good
 14 job, did you bring back detailed
 15 information about your observations at the
 16 very stores that you visited?

5. PAGE 20:17 TO 22:03 (RUNNING 00:01:39.287)

17 A. Well, to look back with
 18 hindsight, as you say, I wonder -- you
 19 know, the thing is, still, I was rather
 20 low in terms of my rank. I was a
 21 low-echelon employee at that time.
 22 And, frankly, looking back, I'm
 23 not even sure if I really understood what
 24 it was that I was doing, much less what my
 25 own bosses may have considered important
 00021:01 PARK - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 in their minds.
 03 But as for me, I guess I thought
 04 that to go out there and call on as many
 05 entities as possible was the most
 06 important thing, in my mind, or so I
 07 thought, to the effect of where, if my
 08 seniors and contemporaries were visiting
 09 ten stores -- let's say five to ten stores
 10 in any given day, then, again, I would try
 11 to visit more than they. I would try to
 12 outdo everybody else.
 13 One way or another, I guess I
 14 viewed it as being my task to call on as
 15 many customers as possible, meet as many
 16 folks as possible, and then, when back at
 17 the company, when we're gathered about in
 18 3s and 5s and so forth, we'd talk. And if

Case Clip(s) Detailed Report

Tuesday, November 20, 2018, 2:13:47 PM

Sung Soo Park

19 one of my contemporaries says that he'd
 20 gone and called on ten places, in terms of
 21 looking into the distribution of our
 22 products, then I would want to say that I
 23 had called on 20, and so forth. At least
 24 I think, in my mind, back then -- I wonder
 25 if that wasn't sort of a measure, a
 00022:01 PARK - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 metric, if you will, of how well, how hard
 03 I was working.

6. PAGE 29:10 TO 29:13 (RUNNING 00:00:12.055)

10 Q. So can you give me an estimate
 11 as to how many distribution outlets
 12 Nongshim has for its Korean Ramen
 13 products.

7. PAGE 29:14 TO 30:08 (RUNNING 00:01:10.911)

14 A. Well, I'm not sure if I know the
 15 exact number myself. But the fact is,
 16 these customers for Ramen -- I know you're
 17 saying Ramen. They're really actually the
 18 same parties as for, say, snacks. Right
 19 now, I'm charged with handling snacks
 20 within the company. And so deeming them
 21 to be basically one and the same, oh, I
 22 would say we're looking at anywhere from,
 23 say, 7,000 to -- I don't know -- maybe
 24 10,000 -- say, 7,000 or so. You know, I
 25 don't know the exact number. But suffice
 00030:01 PARK - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 it to say, there is a whole lot of them
 03 out there.
 04 Q. Okay. And during the course of
 05 your rounds, did you happen to run into
 06 folks from Nongshim's Ramen competitors,
 07 doing the same sorts of things that you
 08 were doing?

8. PAGE 30:09 TO 31:13 (RUNNING 00:01:16.365)

09 A. So at that time, the kind of
 10 work I was doing, as I mentioned, entailed
 11 having to visit various, say, customers,
 12 calling on a number of customers out
 13 there, which included, basically,
 14 retailers, wholesalers, and specialty
 15 contract stores, whom we call our agents,
 16 and so forth.
 17 And I was looking into things
 18 with respect to the overall food business,
 19 ranging from snacks to water to Ramen -- I
 20 was investigating as to everything. And,
 21 mind you, these customers on whom I would
 22 call, they weren't just dealing in
 23 products from us but products from other
 24 companies as well.
 25 And these store owners --
 00031:01 PARK - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 Mr. President and Mrs. So-and-so, you
 03 know -- the proprietors -- that's the way
 04 we referred to those folks. You know,
 05 they weren't just handling ours. They
 06 were handling products belonging to the
 07 competition.
 08 And so I recall that you were

Case Clip(s) Detailed Report
 Tuesday, November 20, 2018, 2:13:47 PM

Sung Soo Park

09 speaking in terms of Ramen. But, yeah, I
 10 would say that I would often bump into
 11 people -- folks from various other people,
 12 not just handling Ramen but various
 13 things.

9. PAGE 86:18 TO 86:21 (RUNNING 00:00:16.347)

18 Q. All right. And at the
 19 conclusion of your interview with the
 20 KFTC, were you then presented with a
 21 protocol of an examination?

10. PAGE 86:22 TO 88:04 (RUNNING 00:01:34.491)

22 A. So please understand the fact
 23 that we're talking about a time when I was
 24 somewhat more youthful. I would say I'm
 25 still sort of a young person. But back
 00087:01 PARK - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 then, I was -- yeah -- rather feeling --
 03 feeling rather intimidated, in fact, quite
 04 a bit, because this female investigator
 05 kept yelling at me and kept pressing on me
 06 as to this one Pyung Ki Kim. And I kept
 07 telling her that I really couldn't recall
 08 such a person. But she kept asking me
 09 about that person, nonetheless, and kept
 10 insisting that they had this material,
 11 they had these documents.
 12 I said, "Well, please show me
 13 those documents." But without showing me
 14 these documents, she actually threw a
 15 whole pile of -- a stack of documents at
 16 me. And the whole atmosphere was rather
 17 just intimidating and -- as such.
 18 And so I was undergoing this
 19 investigation in a sort of a unilateral,
 20 railroading fashion. And, you know, with
 21 the woman throwing these papers at me
 22 or -- at some point in time, I think she
 23 stuck a paper -- a document in front of
 24 me. And I don't know if it's this or
 25 what. But I think I recall something
 00088:01 PARK - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 about her telling me to sign or maybe
 03 write in my name or something like that.
 04 And I recall I complied. That I recall.

11. PAGE 168:07 TO 168:11 (RUNNING 00:00:18.840)

07 Did you admit, during your
 08 interview with the KFTC, that you had
 09 received information from Kim Pyung Ki
 10 about Korea Yakult's Ramen price
 11 increases?

12. PAGE 168:14 TO 169:09 (RUNNING 00:00:56.416)

14 A. So I guess it's really one and
 15 the same thing. I believe what I had
 16 testified to back then was, in fact, what
 17 I related to you here today in that, upon
 18 questioning, I said that of all the
 19 various people that I would tend to
 20 encounter when out there -- not that I had
 21 any recollection as to who they may be --
 22 if, per chance, I did exchange any
 23 information with anybody whatsoever, then,

Case Clip(s) Detailed Report
Tuesday, November 20, 2018, 2:13:47 PM

Sung Soo Park

24 per chance, that would be information that
25 would have been already made available and
00169:01 PARK - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 open out in the market, and that the
03 quality of such would be such.
04 And the fact is, back then, my
05 position was such that -- and, frankly, I
06 still might be in such a position where I
07 do not -- did not really, you know -- was
08 not in any position to be in the know as
09 to things as to information. So --

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:11:10.226)

COURT EXHIBIT 17c

KoreanNoodles

Park, Sung Soo (Vol. 01) - 04/27/2016

1 CLIP (RUNNING 00:01:46.279)

Redirect

PARKSUNGSOO-0427R

10 SEGMENTS (RUNNING 00:01:46.279)



1. PAGE 88:05 TO 88:07 (RUNNING 00:00:06.153)

05 Q. All right. So you -- did you
06 have a chance to review your protocol of
07 examination before you signed it, sir?

2. PAGE 88:11 TO 88:23 (RUNNING 00:00:45.546)

11 A. I understand you're asking me if
12 I had the chance to review this material
13 that she typed up and handed to me. I
14 remember her telling me to write in my
15 name. But as to whether she told me to
16 review it, I'm not too sure.
17 But the whole atmosphere of the
18 day was such that, frankly, I was scared.
19 I was scared in this instance. And it was
20 such that I was fearful of what the
21 consequences might be if I were not to do
22 as she told me to do. And, you know, she
23 told me to write in my name. So --

3. PAGE 88:24 TO 88:25 (RUNNING 00:00:08.496)

24 Q. Now, your lawyer signed the
25 protocol of examination as well; true?

4. PAGE 89:05 TO 89:07 (RUNNING 00:00:12.009)

05 A. So I don't specifically recall
06 if the attorney was told to sign his name
07 or not. But I suppose he could have.

5. PAGE 89:08 TO 89:10 (RUNNING 00:00:08.848)

08 Q. Well, do you see a second
09 signature there on the last page of what
10 has been marked as Exhibit 209, sir?

6. PAGE 89:13 TO 89:15 (RUNNING 00:00:09.280)

13 A. So -- what -- are you talking
14 about the portion that reads "Attorney"
15 and blah, blah, blah?

7. PAGE 89:16 TO 89:16 (RUNNING 00:00:01.208)

16 Q. That's the one.

8. PAGE 89:17 TO 89:17 (RUNNING 00:00:02.102)

17 A. I see it.

9. PAGE 89:18 TO 89:19 (RUNNING 00:00:02.202)

18 Q. Yeah. And that's his signature,
19 isn't it?

10. PAGE 89:20 TO 89:21 (RUNNING 00:00:10.435)

20 A. Well, I wouldn't quite know if
21 that would be his signature or not.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:01:46.279)

COURT EXHIBIT 18a

KoreanNoodles

Chang, Min Sang (Vol. 01) - 03/25/2016**1 CLIP (RUNNING 00:03:38.978)****CHANGMINSANG-0325****19 SEGMENTS (RUNNING 00:03:38.978)****1. PAGE 5:04 TO 5:13 (RUNNING 00:00:17.325)**

04 A L B E R T K I M,
05 the interpreter, having first
06 been duly sworn by Sharon Lengel,
07 the Notary Public, interpreted
08 the testimony as follows:
09 M I N S A N G C H A N G,
10 having first been duly sworn by
11 Sharon Lengel, the Notary Public,
12 was examined and testified as
13 follows:

2. PAGE 5:09 TO 5:13 (RUNNING 00:00:01.619)

09 M I N S A N G C H A N G,
10 having first been duly sworn by
11 Sharon Lengel, the Notary Public,
12 was examined and testified as
13 follows:

3. PAGE 6:22 TO 6:23 (RUNNING 00:00:06.154)

22 Q. Mr. Chang, could you tell me how
23 long you have been employed by Nongshim.

4. PAGE 6:24 TO 7:03 (RUNNING 00:00:13.894)

24 A. Well, seeing as how it was back
25 in 1979 that I came on-board with
00007:01
02 Nongshim, it's been -- what -- a little
03 over 36 years, I think.

5. PAGE 7:14 TO 7:18 (RUNNING 00:00:12.473)

14 Q. For sake of clarity, if I refer
15 to that corporate entity as Nongshim
16 Korea, will you understand that I am
17 referring to the company at which you have
18 been employed since 1979?

6. PAGE 7:19 TO 7:19 (RUNNING 00:00:02.620)

19 A. Yes. I understand.

7. PAGE 7:20 TO 7:22 (RUNNING 00:00:07.232)

20 Q. What was your position with
21 Nongshim Korea in approximately the year
22 2000?

8. PAGE 7:23 TO 8:02 (RUNNING 00:00:14.177)

23 A. Let's see. What was I doing
24 back in 2000? I was probably heading up
25 the office of sales planning as the head
00008:01
02 of it.

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9. PAGE 8:03 TO 8:05 (RUNNING 00:00:08.597)

03 Q. And when did you change jobs
04 next after you were the head of the office
05 of sales planning?

10. PAGE 8:06 TO 8:08 (RUNNING 00:00:06.913)

06 A. So you're asking as to job
07 change thereafter, do you mean; right?
08 Q. Correct.

11. PAGE 8:09 TO 8:14 (RUNNING 00:00:24.144)

09 A. So as I would try to recall,
10 now, I may be a little off in terms of the
11 year, but I'm sort of thinking that this
12 may have been in 2005. I was made the
13 head of the SCM headquarters, which stands
14 for "Supply Chain Management."

12. PAGE 8:17 TO 8:22 (RUNNING 00:00:25.480)

17 A. So I served as the head of SCM
18 for one year. And then in 2006, 2007, I
19 was the head of the sales headquarters.
20 And then starting around the 2008
21 timeframe, more or less, I was appointed
22 the head of the marketing headquarters.

13. PAGE 18:22 TO 18:24 (RUNNING 00:00:13.939)

22 So in the period from 2000 until
23 2005, you were in the office of sales
24 planning; correct?

14. PAGE 18:25 TO 18:25 (RUNNING 00:00:03.060)

25 A. Yes. That's right.

15. PAGE 19:02 TO 19:04 (RUNNING 00:00:06.651)

02 Q. And remind me what your position
03 in the office of sales planning was at
04 that time.

16. PAGE 19:05 TO 19:06 (RUNNING 00:00:07.589)

05 A. Oh, I was serving as the head of
06 the office of sales planning.

17. PAGE 19:07 TO 19:11 (RUNNING 00:00:15.819)

07 Q. So as the head of the office of
08 sales planning, in that period, what was
09 your relationship to the distribution
10 research Part?
11 Is that the right terminology?

18. PAGE 19:12 TO 19:16 (RUNNING 00:00:16.902)

12 A. Just for the sake of
13 convenience, you can call it a team. And
14 so you are talking about the
15 2000-through-2005 period, are you not?
16 Q. Correct.

19. PAGE 19:17 TO 19:20 (RUNNING 00:00:14.390)

17 A. So during that period of time,
18 they were one of those units under the
19 auspices of my group called the sales

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20 planning office.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:03:38.978)

KoreanNoodles

Chang, Min Sang (Vol. 02) - 03/28/2016**1 CLIP (RUNNING 00:10:21.178)****CHANGMINSANG-0328****52 SEGMENTS (RUNNING 00:10:21.178)****1. PAGE 36:16 TO 36:18 (RUNNING 00:00:06.702)**

16 MR. KINDALL: Okay. At this
17 time, I am going to ask to have marked
18 Exhibit 114.

2. PAGE 37:07 TO 37:12 (RUNNING 00:00:12.341)

07 Q. Okay. I'm going to ask you to
08 please take a look at Exhibit 114, and I
09 will just have a couple of questions for
10 you about it.
11 So when you're ready, let me
12 know.

3. PAGE 37:13 TO 37:13 (RUNNING 00:00:03.574)

13 A. (Witness perusing document.)

4. PAGE 37:14 TO 37:15 (RUNNING 00:00:04.297)

14 Q. All right. Do you recognize
15 this document?

5. PAGE 37:16 TO 37:16 (RUNNING 00:00:02.099)

16 A. Yes.

6. PAGE 37:17 TO 37:17 (RUNNING 00:00:02.331)

17 Q. Can you tell me what it is.

7. PAGE 37:18 TO 37:20 (RUNNING 00:00:11.953)

18 A. It seems to me to be a protocol
19 of examination at the -- on the part of
20 the KFTC.

8. PAGE 37:21 TO 37:23 (RUNNING 00:00:05.184)

21 Q. Can you describe to me the
22 circumstances under which this document
23 was prepared.

9. PAGE 37:24 TO 37:24 (RUNNING 00:00:04.944)

24 A. Let me talk about that.

10. PAGE 37:25 TO 38:03 (RUNNING 00:00:10.411)

25 So to my recollection, the day
00038:01
02 on which I went to testify as such, the
03 weather was rather warm. It was hot. And

11. PAGE 38:04 TO 38:05 (RUNNING 00:00:04.516)

04 I believe I arrived at the offices of the
05 KFTC at 8:30. And the examination -- the

12. PAGE 38:06 TO 38:11 (RUNNING 00:00:26.069)

06 interrogation room happened to be on the

KoreanNoodles

07 top floor of their building. And, again,
 08 the day was very hot, and the heat
 09 radiating was immense.
 10 And as I recall, there was this
 11 investigator, one female investigator.

13. PAGE 38:12 TO 38:15 (RUNNING 00:00:17.228)

12 There was one desk, and there was a fan
 13 but facing towards her. Not even a bottle
 14 of water. I was rather flabbergasted,
 15 frankly, such that I recall this quite

14. PAGE 38:16 TO 38:19 (RUNNING 00:00:08.626)

16 distinctly. And, if memory serves, I
 17 believe I was accompanied by counsel that
 18 day.
 19 So we go in together. And what

15. PAGE 38:20 TO 38:23 (RUNNING 00:00:08.996)

20 this investigator lady says to the
 21 attorney is, "You may sit in the back of
 22 this gentleman, but you don't say
 23 anything." And upon that, this is what I

16. PAGE 38:24 TO 39:04 (RUNNING 00:00:13.301)

24 was thinking: The fact that you have
 25 counsel accompany you is, in fact, for you
 00039:01
 02 to be provided with legal advice from time
 03 to time, as necessary, for you to confer
 04 with said counsel. But from the get-go,

17. PAGE 39:05 TO 39:10 (RUNNING 00:00:20.132)

05 she tells the attorney not to open his
 06 mouth, and I was just really -- really
 07 perplexed with that.
 08 And I recall distinctly, rather
 09 distinctly, the very first word she
 10 uttered to me. And what that was was

18. PAGE 39:11 TO 39:20 (RUNNING 00:00:35.893)

11 that, "Sir, this is the case for not just
 12 the person who came before you and you --
 13 basically all of you -- depending on how
 14 you testify, you may be subject to
 15 criminal prosecution."
 16 And I believe the examination
 17 went into the night, until about
 18 8:00 p.m., if I recall correctly. And I
 19 don't think I got to take, you know, too
 20 many breaks, in fact.

19. PAGE 39:21 TO 39:23 (RUNNING 00:00:07.980)

21 Now, so I come here now. This
 22 is completely different from the
 23 atmosphere while at the KFTC. And

20. PAGE 39:24 TO 40:20 (RUNNING 00:01:08.943)

24 somewhere in the middle or maybe towards
 25 the end -- I forget exactly. But at some
 00040:01
 02 point, I say to the lady -- I say, "Look.
 03 Why are you doing this? You have not a

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04 shred of evidence. Why do you speak to us
 05 as if we're criminals? Why do you talk to
 06 us in this manner, accusing us, alleging
 07 collusion on our part, when we're clearly
 08 saying that we have not colluded?"
 09 And upon that, the investigator
 10 says, "Look. The way things go nowadays
 11 on the parts of their KFTC or other
 12 countries' similar bodies, just some
 13 supposition, some suggestion as to
 14 collusion is usually enough nowadays to
 15 result in a conviction. That's the case
 16 in the United States as well as Europe and
 17 so forth." That's what she says.
 18 Now I come here -- here's Madam
 19 Reporter. There was nobody sitting down
 20 taking notes like that.

21. PAGE 40:21 TO 41:05 (RUNNING 00:00:32.053)

21 So there I was, in a very small
 22 stuffy confined room, small desk, the
 23 female investigator there, me here, and my
 24 attorney somewhere in the corner over
 25 there. And every now and then, this guy,
 00041:01
 02 a male investigator, would come and go.
 03 Sometimes, you know, he'd drop off some
 04 documents or whatever, that sort of a
 05 deal.

22. PAGE 41:06 TO 41:09 (RUNNING 00:00:07.988)

06 Now, so think about this. We're
 07 not too keen -- we folks are not too keen
 08 on legal matters. And our attorney is
 09 told to shut up. And the other thing is

23. PAGE 41:10 TO 41:13 (RUNNING 00:00:14.165)

10 it's, like, really, really intimidating --
 11 "Isn't this true," you know? Like,
 12 there's just -- they couldn't be more
 13 intimidating than that. To say the least,

24. PAGE 41:14 TO 42:01 (RUNNING 00:00:43.238)

14 I was rather taken aback, quite
 15 flabbergasted. And, you know, I recall
 16 that experience quite succinctly.
 17 And so even as we were wrapping
 18 things up, here she was, asking me to read
 19 what she had jotted down, saying she
 20 needed to go home, rather, or right away,
 21 and that it was late in the evening. She
 22 had in the meantime gone and changed into
 23 a fresh set of clothes and said that she
 24 needed to check out and go home soon, so,
 25 "Please sign off on it."
 00042:01

25. PAGE 42:02 TO 42:09 (RUNNING 00:00:26.917)

02 And so to my recollection,
 03 having begun at 8:30 a.m. and except for
 04 the one hour lunch break, we went until
 05 8:00 p.m. without pretty much any break.
 06 So that was quite -- quite a long while.
 07 Later on, in terms of what there was, I

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08 saw that this was the only thing that
09 there was left. So that is what I'm able

26. PAGE 42:10 TO 42:15 (RUNNING 00:00:24.949)

10 to recollect in terms of what had happened
11 on that day when this protocol was
12 drafted.
13 And this isn't just something at
14 the level of being a little perplexed,
15 bamboozled; it goes way beyond that.

27. PAGE 42:16 TO 42:17 (RUNNING 00:00:03.967)

16 Q. Did you review the document
17 before you signed it?

28. PAGE 42:18 TO 42:20 (RUNNING 00:00:08.978)

18 A. I really wasn't able to review
19 it fully. She kept saying that she wanted
20 to go home soon and rushed me.

29. PAGE 46:03 TO 46:05 (RUNNING 00:00:12.715)

03 Q. May I ask you to turn to page
04 OTGKR-0001363, which is the second-to-last
05 page of the document.

30. PAGE 46:06 TO 46:07 (RUNNING 00:00:02.783)

06 Does your signature appear on
07 that page?

31. PAGE 46:08 TO 46:08 (RUNNING 00:00:03.869)

08 A. No. My signature is not there.

32. PAGE 46:09 TO 46:11 (RUNNING 00:00:07.840)

09 Q. Can you look at the text that
10 appears on the sixth line from the bottom
11 of the page, please.

33. PAGE 46:12 TO 46:12 (RUNNING 00:00:01.883)

12 A. Yes.

34. PAGE 46:13 TO 46:13 (RUNNING 00:00:01.361)

13 Q. Is that your name?

35. PAGE 46:14 TO 46:14 (RUNNING 00:00:01.380)

14 A. Yes.

36. PAGE 46:15 TO 46:16 (RUNNING 00:00:04.261)

15 Q. And is that your signature that
16 follows your name?

37. PAGE 46:20 TO 46:21 (RUNNING 00:00:03.198)

20 A. There is no signature of mine
21 there.

38. PAGE 47:02 TO 47:04 (RUNNING 00:00:06.932)

02 Do you know who wrote the
03 characters that make up your name on that
04 line?

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39. PAGE 47:05 TO 47:06 (RUNNING 00:00:04.428)

05 A. My recollection is that it was
06 I.

40. PAGE 47:07 TO 47:07 (RUNNING 00:00:01.757)

07 Q. Is that your handwriting?

41. PAGE 47:08 TO 47:09 (RUNNING 00:00:03.808)

08 A. Yes. It looks like it's my
09 handwriting.

42. PAGE 86:23 TO 87:06 (RUNNING 00:00:27.568)

23 Q. Let me represent to you,
24 Mr. Chang, that what is marked as
25 Exhibit 56 is a document that was provided
00087:01
02 to counsel for plaintiffs through the
03 discovery of process by Nongshim. It is
04 a -- an email, and attached to that --
05 according to the metadata, the attachment
06 to that email is shown as Exhibit 57.

43. PAGE 87:07 TO 87:07 (RUNNING 00:00:03.013)

07 A. This is the attachment here?

44. PAGE 87:08 TO 87:10 (RUNNING 00:00:06.177)

08 Q. Correct. Exhibit 57 is,
09 according to the metadata, the attachment
10 to Exhibit 56.

45. PAGE 88:15 TO 88:18 (RUNNING 00:00:12.017)

15 Q. Now, I apologize. I don't know
16 whether you can read English characters.
17 But do you see that it says
18 "yeowonyoon@hanmail.net"?

46. PAGE 88:19 TO 88:23 (RUNNING 00:00:13.487)

19 A. So I see that it says "Yoon"
20 there. But the front portion, is that
21 "Y-E" -- what is that? It's -- it's
22 really hard for me to read this,
23 eyesight-wise. Is that "Y-E-O"?

47. PAGE 88:24 TO 89:05 (RUNNING 00:00:21.483)

24 Q. I entirely sympathize.
25 What I read on the page is
00089:01
02 "Y-E-O W-A-N Y-O-O-N."
03 I apologize. My co-counsel, who
04 has 30 years' sharper eyes than I do, says
05 it's "Y-E-O W-O-N Y-O-O-N."

48. PAGE 89:06 TO 89:11 (RUNNING 00:00:15.053)

06 A. So the last part, Y-O-O-N,
07 that's, you know, something we're
08 accustomed to, "Yoon." But the front
09 part, I don't quite know how that, you
10 know, goes, just the way I'm looking at
11 this.

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49. PAGE 89:12 TO 89:16 (RUNNING 00:00:09.815)

12 Q. I believe I asked you this on
13 Friday.
14 Do you know an employee who was
15 in the distribution investigation team
16 named Yeo Won Yoon?

50. PAGE 89:17 TO 89:18 (RUNNING 00:00:03.775)

17 A. Yes. And I told you that I
18 know.

51. PAGE 100:11 TO 100:16 (RUNNING 00:00:11.724)

11 Putting aside the question of
12 whether the information contained in
13 Exhibit 56 were -- was public or not, can
14 you think of a reason why a Nongshim
15 employee would be providing this to a
16 competitor?

52. PAGE 100:19 TO 100:19 (RUNNING 00:00:03.076)

19 A. No. I can't think of any.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:10:21.178)

COURT EXHIBIT 18b

Case Clip(s) Detailed Report

Min Sang Chang

Monday, November 26, 2018, 10:10:58 AM

Case Clip(s) Detailed Report
Monday, November 26, 2018, 10:10:58 AM

Min Sang Chang

Chang, Min S. (Vol. 01) - 03/25/2016

1 CLIP (RUNNING 00:33:16.949)

And have you always been ...

FULL FOR 112618 - RE

104 SEGMENTS (RUNNING 00:33:16.949)



1. PAGE 7:04 TO 7:05 (RUNNING 00:00:03.867)

04 Q. And have you always been
05 employed by Nongshim Limited Incorporated?

2. PAGE 7:06 TO 7:08 (RUNNING 00:00:07.057)

06 A. Yes. Ever since starting, I
07 have been with Nongshim Company Limited
08 throughout.

3. PAGE 13:15 TO 13:16 (RUNNING 00:00:02.610)

15 Q. Okay. And who do you report to
16 directly?

4. PAGE 13:17 TO 13:18 (RUNNING 00:00:02.683)

17 A. I report to the gentleman who is
18 the CEO.

5. PAGE 13:19 TO 13:23 (RUNNING 00:00:12.673)

19 Q. Okay. Thank you.
20 Have you heard of a business
21 unit within Nongshim Korea that was at one
22 time referred to as the distribution
23 research team?

6. PAGE 13:24 TO 13:24 (RUNNING 00:00:01.320)

24 A. Yes.

7. PAGE 14:03 TO 14:06 (RUNNING 00:00:14.184)

03 At what point, if any, during
04 the time from 2000 until 2008, was the
05 individual who headed the distribution
06 research team one of your direct reports?

8. PAGE 14:07 TO 14:09 (RUNNING 00:00:03.382)

07 A. Tell me about the timeframe
08 again. I am sorry. But once again,
09 please.

9. PAGE 14:10 TO 14:11 (RUNNING 00:00:04.980)

10 Q. At any point from 2000 until
11 2008.

10. PAGE 14:12 TO 14:16 (RUNNING 00:00:15.776)

12 A. Well, so I was doing what I was
13 charged with in the years 2000 through
14 2008, but I think perhaps it would behoove
15 me to kind of explain a few things about
16 the distribution research team first.

11. PAGE 14:17 TO 14:17 (RUNNING 00:00:01.081)

17 Q. Sure. Go right ahead.

Case Clip(s) Detailed Report
Monday, November 26, 2018, 10:10:58 AM

Min Sang Chang

12. PAGE 14:18 TO 14:23 (RUNNING 00:00:14.079)

18 A. So whereas the company has
19 undergone some minor changes from the year
20 2000 till date, I don't think there would
21 be too big of a problem to explain things
22 in terms of the way the structure is
23 nowadays. So if I may do that, please.

13. PAGE 14:24 TO 14:24 (RUNNING 00:00:00.711)

24 Q. Okay.

14. PAGE 14:25 TO 15:04 (RUNNING 00:00:12.357)

25 A. So underneath the overall
00015:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 division head, you have the respective
03 regional offices, the sales headquarters,
04 as it were. There are two in Seoul. And

15. PAGE 15:04 TO 15:04 (RUNNING 00:00:01.649)

04 as it were. There are two in Seoul. And

16. PAGE 15:04 TO 15:07 (RUNNING 00:00:18.842)

04 as it were. There are two in Seoul. And
05 in the Southern provinces of Korea,
06 namely, Chung Cheong and the Honam region,
07 there are one -- there is one. And then

17. PAGE 15:08 TO 15:08 (RUNNING 00:00:07.623)

08 in the Young Nam region, there is one.

18. PAGE 15:09 TO 15:11 (RUNNING 00:00:08.820)

09 And then there is one head office that
10 handles these imported items, such as
11 Campbell, juice -- Welch's, Capri Sun.

19. PAGE 15:12 TO 15:16 (RUNNING 00:00:17.879)

12 And then there is one head office that
13 handles a new line of business that we're
14 starting up called the Baek San Su. This
15 is a certain brand of mineral water.
16 Q. Okay.

20. PAGE 15:17 TO 15:20 (RUNNING 00:00:08.368)

17 A. And then we have a logistics
18 headquarters, logistics head office, that
19 obviously deals with the logistical
20 aspects for all these products. So

21. PAGE 15:21 TO 15:23 (RUNNING 00:00:09.585)

21 essentially what we have are a total of
22 seven head offices that are delineated in
23 terms of categories/regions. Each of

22. PAGE 15:24 TO 15:25 (RUNNING 00:00:05.687)

24 these head offices is headed up by an
25 executive-level person.

23. PAGE 16:02 TO 16:05 (RUNNING 00:00:08.991)

02 And now, aside from that, there
03 is another arm of the company that is the
04 line concept called a Channel

Case Clip(s) Detailed Report
Monday, November 26, 2018, 10:10:58 AM

Min Sang Chang

05 Headquarters. Channel Headquarters --

24. PAGE 16:06 TO 16:06 (RUNNING 00:00:04.631)

06 we're talking about Hypermarket, CVS --

25. PAGE 16:09 TO 16:16 (RUNNING 00:00:22.385)

09 A. And, now, aside from that, there
10 is another arm of the company based upon
11 the line concept. And this one is called
12 Channel Headquarters. What a Channel
13 Headquarter is is they basically head up
14 the negotiations vis-`-vis these major
15 channels such as Hypermarket, CVS, and
16 other major channels.

26. PAGE 16:17 TO 16:18 (RUNNING 00:00:02.058)

17 Q. Production distribution
18 channels.

27. PAGE 16:19 TO 16:20 (RUNNING 00:00:09.230)

19 A. Yes. Yes. That's right.
20 Hypermarket -- E-mart, 7-Eleven, and such.

28. PAGE 16:21 TO 16:23 (RUNNING 00:00:08.707)

21 And so there is the head office. There's
22 the headquarters. And, now, underneath
23 this, by the way, are 20 or so sales

29. PAGE 16:24 TO 16:25 (RUNNING 00:00:04.530)

24 units, underneath which you have about 100
25 or so branches. And the actual sales

30. PAGE 17:02 TO 17:03 (RUNNING 00:00:05.250)

02 personnel of our company belong to each of
03 these branches.

31. PAGE 17:04 TO 17:04 (RUNNING 00:00:00.706)

04 Q. Okay.

32. PAGE 17:05 TO 17:09 (RUNNING 00:00:09.659)

05 A. And so to speak in terms of the
06 number of personnel who are associated
07 with this particular line, on the sales
08 side, excluding logistics, we're looking
09 at about 500. And then we have about 500

33. PAGE 17:10 TO 17:11 (RUNNING 00:00:04.825)

10 personnel engaged on the side of
11 merchandising.

34. PAGE 17:12 TO 17:18 (RUNNING 00:00:14.758)

12 And then we have a separate
13 cadre of personnel. And this number, by
14 the way, tends to fluctuate depending on
15 the type of in-store promotions going on.
16 But essentially, we maintain about 2 to
17 300 at all times for in-store promotional
18 purposes.

35. PAGE 17:19 TO 17:19 (RUNNING 00:00:03.000)

19 So this essentially is our line

Case Clip(s) Detailed Report
Monday, November 26, 2018, 10:10:58 AM

Min Sang Chang

36. PAGE 17:20 TO 17:21 (RUNNING 00:00:07.942)

20 hierarchy. Then we have two staff
21 organizations. One is the marketing

37. PAGE 17:22 TO 18:02 (RUNNING 00:00:10.418)

22 organization. And there are -- let's
23 see -- I can't quite recall. There might
24 be -- okay -- about seven -- this is not
25 exact -- seven teams for the respective
00018:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 food categories. And then the other staff

38. PAGE 18:03 TO 18:03 (RUNNING 00:00:05.569)

03 organization is the sales planning office.

39. PAGE 18:04 TO 18:05 (RUNNING 00:00:07.731)

04 And I forgot to mention that on
05 the marketing side, we have about 70 to 80

40. PAGE 18:06 TO 18:08 (RUNNING 00:00:08.741)

06 personnel. And so I was telling you about
07 the sales planning office. There, we have
08 about four to five teams.

41. PAGE 18:09 TO 18:11 (RUNNING 00:00:12.869)

09 And so finally, the distribution
10 investigation team is one part that is
11 attached to said sales planning office. I

42. PAGE 18:12 TO 18:13 (RUNNING 00:00:03.500)

12 wonder if this was a good enough
13 explanation.

43. PAGE 18:14 TO 18:16 (RUNNING 00:00:11.496)

14 Q. Yes. So the distribution
15 research team is one of the four to five
16 teams within the sales planning unit?

44. PAGE 18:17 TO 18:20 (RUNNING 00:00:08.224)

17 A. It's actually called a Part with
18 a capital "P" that is attached to one of
19 those teams, subordinate to the team
20 level, in other words.

45. PAGE 31:05 TO 31:12 (RUNNING 00:00:30.850)

05 Q. Mr. Chang, before we broke, we
06 were talking a little bit about the role
07 of the distribution research team or
08 distribution investigation team.
09 If I could orient you, what was
10 the role of the distribution investigation
11 team with respect to sales of Ramen noodle
12 products in the Korean market?

46. PAGE 31:13 TO 32:04 (RUNNING 00:00:47.439)

13 A. So as I mentioned earlier, their
14 role basically had to do with developing
15 the system from an overall sense and to
16 conduct market -- marketability studies
17 concerning those products that we import.
18 They also are responsible for the
19 educational aspects concerning new hires.

Case Clip(s) Detailed Report
Monday, November 26, 2018, 10:10:58 AM

Min Sang Chang

20 And then comes that wireless data system
21 that we were developing.
22 And concerning that, if I may
23 speak in terms of the Ramen space, it has
24 to do -- this is very critical -- with
25 being able to know right then and there as
00032:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 to whether there is product available,
03 say, across all the, say, sales stores,
04 what is there, what's not, and so forth.

47. PAGE 32:05 TO 32:10 (RUNNING 00:00:17.210)

05 So going back to what I just
06 told you, the first and foremost question
07 has to do with whether our product is out
08 there in these, say, 100,000 or so
09 outlets. The second one is if they are
10 there, then where are they displayed? And

48. PAGE 32:10 TO 32:13 (RUNNING 00:00:07.414)

10 there, then where are they displayed? And
11 aside from where and how they're displayed
12 on these shelves out there, what kind of
13 pacing.

49. PAGE 32:14 TO 32:18 (RUNNING 00:00:13.029)

14 So the question has to do with
15 how much they take up, how much real
16 estate essentially along these shelves; is
17 it just one thing there or do we have a
18 whole stack of Shin Ramens, for instance.

50. PAGE 32:19 TO 32:20 (RUNNING 00:00:02.313)

19 Q. Shelf space and shelf placement;
20 right?

51. PAGE 32:21 TO 32:21 (RUNNING 00:00:00.989)

21 A. Yes. Placement. So this kind

52. PAGE 32:21 TO 33:07 (RUNNING 00:00:28.620)

21 A. Yes. Placement. So this kind
22 of information within the marketplace is
23 something that we intended to capture by
24 way of that wireless data system that we
25 had developed, meaning, we wanted to know
00033:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 if our product is out there or not, how it
03 is displayed, and what the status is on
04 the part of the competition in that
05 regard, how are things going in terms of
06 our placement, the pacing, the sales, and
07 so forth.

53. PAGE 33:08 TO 33:13 (RUNNING 00:00:29.211)

08 Q. So would you capture information
09 on where in a particular market, for
10 example, your -- Nongshim's Ramen products
11 were sold, how much shelf space they took
12 up relative to Ramen products sold by
13 competitors?

54. PAGE 33:16 TO 33:22 (RUNNING 00:00:19.731)

16 A. Yes. And we further wanted to

Case Clip(s) Detailed Report
Monday, November 26, 2018, 10:10:58 AM

Min Sang Chang

17 ascertain exactly how our product was
18 getting sold, meaning, our strategy
19 included getting to have an understanding
20 as to what sorts of sales activities
21 conducted by our people were leading to
22 particular results within the marketplace.

55. PAGE 33:23 TO 34:06 (RUNNING 00:00:19.146)

23 And just to further elaborate on
24 this matter, I would say that all
25 companies out there in the world
00034:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 throughout, they all conduct market
03 studies, and they all conduct studies as
04 to the competitive environment and so
05 forth. So if you'll understand it
06 basically in the same vein.

56. PAGE 41:08 TO 41:16 (RUNNING 00:00:32.981)

08 Q. So do I understand your
09 testimony correctly that to the extent
10 that you received any reports that
11 included information on pricing for Ramen
12 noodle products manufactured by companies
13 other than Nongshim and sold in the Korean
14 domestic market, that was done on an
15 as-needed basis and not with any specific
16 periodicity?

57. PAGE 42:02 TO 43:04 (RUNNING 00:01:05.534)

02 Q. Please.
03 A. So -- so that we are clear about
04 this, I have not received anything in the
05 form of reports, per se. But as far as
06 competition regarding the --
07 THE INTERPRETER: Strike.
08 A. As far as information regarding
09 the competition is concerned, while it is
10 possible that such may possibly find its
11 way in certain things, when it comes to
12 this kind of pricing within the
13 marketplace or pricing-related
14 information, as I told you, this is even
15 something that I could find out if I were
16 to go and visit some store. We're talking
17 about open and publicly available
18 information.
19 And the fact of the matter is,
20 in our companies going about wanting to
21 analyze things in terms of our market, you
22 know, one very well could not do that
23 without having an understanding as to
24 things about some other companies out
25 there. And I imagine that to be the same
00043:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 for any other company out there. And,
03 basically, to that extent, people utilize
04 publicly available information.

58. PAGE 44:06 TO 44:09 (RUNNING 00:00:19.199)

06 Q. Was it useful to you to know
07 information about retail and wholesale
08 pricing for your competitors' products in
09 the Ramen market?

Case Clip(s) Detailed Report
Monday, November 26, 2018, 10:10:58 AM

Min Sang Chang

59. PAGE 44:12 TO 44:21 (RUNNING 00:00:29.178)

12 A. To me, you mean? Well, as I
13 indicated just a moment ago, we basically
14 had nearly 70 percent of market share.
15 And so as such, there really wasn't any
16 information on the part of the competition
17 that was deemed important for our
18 purposes. I can't quite say that there
19 was anything we were curious about or
20 would have considered important. That's
21 difficult to say.

60. PAGE 44:22 TO 45:07 (RUNNING 00:00:33.906)

22 I wonder -- and with
23 apologies -- to us, what was the most
24 important was our information rather than
25 any information regarding the competition.
00045:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 Would that suffice, I wonder?
03 Q. Can you think of a reason why
04 Nongshim Korea would collect information
05 about the pricing of competitors' Ramen
06 noodle products in the -- in the domestic
07 Korean market?

61. PAGE 45:11 TO 45:23 (RUNNING 00:00:41.409)

11 A. Again, I am sorry to be asking
12 this, but when you talk about price, one
13 figures there are many different types of
14 prices. For instance, there would be the,
15 as you said, consumer price, wholesale
16 price, chooolgo price, you know.
17 What are you asking in terms of?
18 Q. Can you think of a reason why
19 Nongshim Korea would get information about
20 any of those prices -- chooolgo, EX --
21 factory, retail, wholesale -- for Ramen
22 noodle products sold by its competitors in
23 the Korean domestic market?

62. PAGE 46:07 TO 47:07 (RUNNING 00:01:07.257)

07 A. So this is what I'm thinking.
08 I'm somebody who's responsible for many
09 different types of affairs. What we're
10 talking about here is just but one of
11 those things.
12 And in view of how I can barely
13 recall if I've even received any report on
14 that matter once or twice or even at
15 all -- frankly, I don't remember -- what
16 I'm thinking is, as I've pretty much
17 already related to you, we basically
18 happen to have 70 percent of market
19 shares.
20 And what you're asking about is
21 really not that important to us, because
22 when you go out into the market -- now,
23 it's been a little while since I myself
24 have gone out into the marketplace. But I
25 used to do all this myself. And as
00047:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 somebody who has a bit of experience in
03 these things, when you go out there, it's
04 something that you can find out

Case Clip(s) Detailed Report
Monday, November 26, 2018, 10:10:58 AM

Min Sang Chang

05 immediately just right then and there. So
06 no. These things aren't of, you know,
07 such importance.

63. PAGE 47:08 TO 47:13 (RUNNING 00:00:29.922)

08 Q. Do you know whether Nongshim
09 Korea collected information on the retail,
10 wholesale, and/or chooolgo prices of
11 competitors' Ramen noodle products sold in
12 the Korean market during the timeframe
13 from 2000 to 2010?

64. PAGE 47:16 TO 48:24 (RUNNING 00:01:34.247)

16 A. As I've been trying to tell you,
17 I am tasked with quite a few
18 responsibilities. In any given day, I
19 have to receive 20 to 30 or so many
20 reports.

21 One of my favorite sayings is
22 that I would sure love to have a bathroom
23 break. Frankly, when I go to the
24 bathroom, they follow me into the
25 bathroom. And frankly, these things

00048:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 you're asking about, I don't know if there
03 have been such or not. I really don't
04 know. You know, what's important to us is
05 our information. And these things, they
06 don't carry much weight to us.

07 So right now, even though I'm
08 trying, it's really difficult for me to be
09 able to tell you anything. There isn't
10 anything that I know in that regard.

11 Q. Let me ask a slightly different
12 question.

13 Do you know what reports were
14 regularly prepared -- during the period
15 from 2000 to 2001, what reports were
16 prepared, if any, concerning prices, be it
17 chooolgo or wholesale or retail, charged by
18 competitors for their Ramen noodle
19 offerings in the Korean domestic market?

20 THE INTERPRETER: Counsel said
21 200 through 2001.

22 MR. KINDALL: Oh, I'm sorry.
23 2000 through 2010.

24 THE INTERPRETER: Okay. Reality

65. PAGE 49:05 TO 49:11 (RUNNING 00:00:19.617)

05 A. So is the notion whether I have
06 received any such reports?

07 Q. No, sir.

08 The question is do you know
09 whether such reports have been prepared on
10 a regular basis, whether or not they were
11 sent to you personally?

66. PAGE 49:13 TO 50:02 (RUNNING 00:00:36.406)

13 A. So there isn't anything that
14 I've received, firstly. And the way I
15 would look at this is if we're talking
16 about publicly available information
17 pertaining to customers -- and it's
18 irrespective of whether we're talking
19 about chooolgo price, wholesale price, or

Case Clip(s) Detailed Report
Monday, November 26, 2018, 10:10:58 AM

Min Sang Chang

20 retail price -- while I think there could
21 possibly be things like that, if you are
22 talking about non-publicly available
23 information, then there is no way for us
24 to ascertain that or to collect that. So
25 I don't think there would be anything to
00050:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 that effect.

67. PAGE 50:03 TO 50:11 (RUNNING 00:00:28.600)

03 Q. Allow me to clarify.
04 I am not inquiring at this point
05 as to the source of the information on
06 competitors' prices.
07 I'm simply asking whether
08 Nongshim collected and generated reports
09 about such prices for its competitor Ramen
10 noodle products on a regular basis during
11 the timeframe 2000 to 2010.

68. PAGE 50:14 TO 50:20 (RUNNING 00:00:20.920)

14 A. When you ask in terms of prices,
15 you know, what are you talking about?
16 Q. Again, I would say -- I am
17 curious -- what I'm asking about is any of
18 your competitors' prices for Korean Ramen
19 noodle products, be that chooolgo price or
20 wholesale price or retail price.

69. PAGE 50:23 TO 51:15 (RUNNING 00:00:42.045)

23 A. Well, as I mentioned earlier,
24 there happened to be a lot of things I am
25 responsible for. I receive a lot of
00051:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 reports. There isn't anything that I can
03 actually recall in terms of what you're
04 asking about.
05 But I wonder if it might not be
06 possibly the case that maybe just, on some
07 limited intermittent occasion at some
08 particular point in time, I could have
09 received something like that by way of
10 a -- you know, by some report.
11 But, you know, if there were
12 such a report, then I would simply believe
13 that it would have been information
14 concerning pricing that was already out
15 there in the market.

70. PAGE 51:16 TO 51:21 (RUNNING 00:00:32.692)

16 Q. Do you know whether Nongshim
17 collected information on a regular basis
18 during the period from 2000 to 2010 at any
19 point concerning competitors' sales of
20 Korean -- of Ramen noodle products in the
21 Korean domestic market, sales volume?

71. PAGE 51:24 TO 52:02 (RUNNING 00:00:08.396)

24 A. I'm sorry. Who are you asking
25 may have collected such?
00052:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 Q. Anyone at Nongshim Korea.

Case Clip(s) Detailed Report
Monday, November 26, 2018, 10:10:58 AM

Min Sang Chang

72. PAGE 52:04 TO 53:09 (RUNNING 00:01:15.382)

04 A. There isn't anything in terms of
05 us collecting information. But when it
06 comes to the overall sales volume, things
07 are such that in Korea, companies are to
08 report such kind of information to the
09 respective authorities, be they the
10 Financial Supervisory Commission or the
11 Korean Tax Authority. Basically, at the
12 end of each quarter, they are to -- the
13 companies are to report their revenue.
14 And so that is something that people get
15 to know immediately.
16 Now, in our case, we basically
17 are connected via EDI, electronic data
18 interchange, with such companies as CVS
19 and other --
20 THE INTERPRETER: Strike.
21 A. -- such types of companies as
22 the CVSes.
23 THE INTERPRETER: Interjection.
24 The interpreter understands this in
25 the non-proper noun sense.
00053:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 A. -- CVSes and other discount
03 marts. And by way of the system itself,
04 you get to know as to what the sales
05 volume is. And this is, in fact, not just
06 for our company but other companies as
07 well. So if there is any source, then I
08 wonder if something like that might not be
09 it.

73. PAGE 53:10 TO 53:18 (RUNNING 00:00:29.346)

10 Further, when you look at what's
11 called the retail index, maintained by
12 such companies as AC Nielsen or Link
13 Aztec, which are companies engaged in
14 conducting investigations as to retail
15 activities out there, those things entail
16 lots of information, such as respective
17 sales volumes, plus a whole slew of
18 information.

74. PAGE 56:05 TO 56:09 (RUNNING 00:00:21.126)

05 Do you know whether Nongshim
06 Korea received reports from an electronic
07 service such as Nielsen or Link Aztec on a
08 regular basis concerning sales of Ramen
09 noodle products of its competitors?

75. PAGE 56:10 TO 56:15 (RUNNING 00:00:18.610)

10 A. So this is not the sort of thing
11 that takes place by way of what you call
12 regular reports. The thing about EDI and
13 such is that you're electronically
14 connected, and you get to see things on a
15 daily basis in realtime, as it were.

76. PAGE 56:16 TO 56:22 (RUNNING 00:00:26.157)

16 Put another way, we get to see
17 something with respect to yesterday's
18 data, any sales thereof, when you come to
19 work in the morning.

Case Clip(s) Detailed Report
Monday, November 26, 2018, 10:10:58 AM

Min Sang Chang

20 Q. Okay. So would that be an
21 account that Nongshim Korea has with EDI
22 that would allow it to do that?

77. PAGE 56:23 TO 57:08 (RUNNING 00:00:21.807)

23 A. No, no, no. This is not some
24 sort of subscription or anything. I'm
25 talking about how we are directly
00057:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 connected with, say, the E-marts, the Home
03 Plus, the Lotte Marts.
04 Q. And with respect to that
05 connection that you're describing, does
06 that allow you to get information on not
07 only your own sales but on your
08 competitors' sales?

78. PAGE 57:09 TO 57:15 (RUNNING 00:00:39.020)

09 A. Well, so in terms of the SKUs in
10 the case of E-mart, we get to find out
11 only about our information. But when it
12 comes to Home Plus and Lotte Mart, the
13 system shows all the SKUs.
14 Q. Do you know whether Nongshim
15 Korea has a subscription with Nielsen?

79. PAGE 57:16 TO 57:22 (RUNNING 00:00:17.617)

16 A. Yes. We have a contract with
17 them.
18 Q. And do you know whether, under
19 your contract with Nielsen, you can obtain
20 information on your competitors' product
21 sales, specifically Ramen product sales,
22 in the Korean domestic market?

80. PAGE 58:02 TO 58:12 (RUNNING 00:00:37.041)

02 A. I'm sorry. Could you ask me
03 again, please?
04 THE INTERPRETER: The
05 interpreter can reinterpret.
06 MR. KINDALL: Actually, given
07 that there's an objection, why don't I
08 try to rephrase.
09 Q. Does your Nielsen subscription
10 allow you to see information about your
11 competitors' Ramen noodle sales for the
12 Korean domestic market?

81. PAGE 58:15 TO 58:23 (RUNNING 00:00:23.651)

15 A. When you look at the Nielsen
16 data, it entails such things as each
17 respective company's sales volume within
18 the marketplace as broken down on a
19 per-product by -- per-product basis and a
20 regional basis.
21 And finally, it also entails the
22 respective market share in terms of the
23 percentages. It also entails things in

82. PAGE 58:23 TO 59:04 (RUNNING 00:00:12.010)

23 percentages. It also entails things in
24 terms of the per channel details such as
25 the Hypermarkets or --
00059:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY

Case Clip(s) Detailed Report
Monday, November 26, 2018, 10:10:58 AM

Min Sang Chang

02 THE INTERPRETER: Strike.
03 A. -- Hypermarket and Superchain,
04 et cetera.

83. PAGE 59:09 TO 59:11 (RUNNING 00:00:11.617)

09 Q. Are there any other sales
10 channels that are not captured by the
11 Nielsen data?

84. PAGE 59:15 TO 59:19 (RUNNING 00:00:15.217)

15 A. Oh, to my understanding, I
16 suppose the only thing that doesn't get
17 covered by them would be military
18 supplies, the provision of the military.
19 But otherwise, they capture everything.

85. PAGE 59:22 TO 60:04 (RUNNING 00:00:22.053)

22 A. So when you look at the retail
23 index, that reflects everything as to all
24 the retail outlets to which product gets
25 distributed and via which product gets
00060:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 sold.
03 Q. And that's done on an SKU-by-SKU
04 basis; correct?

86. PAGE 60:05 TO 60:08 (RUNNING 00:00:12.941)

05 A. Yes.
06 Q. Okay. And do you know whether
07 Nongshim Korea also has a subscription
08 with Link Aztec?

87. PAGE 60:09 TO 60:11 (RUNNING 00:00:07.770)

09 A. Yeah. We were subscribing to
10 Link Aztec's services for a while and then
11 switched to Nielsen.

88. PAGE 60:12 TO 60:17 (RUNNING 00:00:17.025)

12 Q. When you were -- when you had
13 your subscription with Link Aztec, did
14 that allow you to see information on the
15 sales of competitor Ramen noodle products
16 in the Korean domestic market on an
17 SKU-by-SKU basis?

89. PAGE 60:18 TO 60:24 (RUNNING 00:00:27.959)

18 A. So the Link Aztec data and AC
19 Nielsen data are identical when it comes
20 to the retail index.
21 Q. Do you know whether the AC
22 Nielsen data that you get provides any
23 information with respect to competitors'
24 wholesale prices?

90. PAGE 60:25 TO 61:04 (RUNNING 00:00:18.918)

25 A. So what the retail index entails
00061:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 is the average retail unit price as broken
03 down by SKU with respect to the price
04 sold, at which it's sold.

Case Clip(s) Detailed Report
Monday, November 26, 2018, 10:10:58 AM

Min Sang Chang

91. PAGE 61:05 TO 61:10 (RUNNING 00:00:16.939)

05 Just to further elaborate, let's
06 say there's a certain SKU item which
07 normally sells at 1,000 Korean Won, and
08 there happens to be an in-store promotion
09 for 100 Won off; therefore, it's sold at
10 900. Well, it's going to show "900 Won."

92. PAGE 61:11 TO 61:16 (RUNNING 00:00:16.180)

11 So at the end of the day -- let
12 me just give you some examples. It's like
13 this: For instance, Hypermarket, in terms
14 of their selling of our, say, Shin Ramen
15 product, it will entail the average price
16 at which our product was sold by them.

93. PAGE 61:17 TO 61:19 (RUNNING 00:00:10.700)

17 For instance, it will show what
18 the nationwide average sale price would be
19 for our product as sold by CVS.

94. PAGE 66:07 TO 66:10 (RUNNING 00:00:12.813)

07 Q. Okay. Do you know whether
08 Nongshim Korea collects information about
09 its competitors' choalgo prices on a
10 regular basis?

95. PAGE 66:11 TO 67:07 (RUNNING 00:00:53.853)

11 A. So as I mentioned earlier, you
12 know, I happen to have a lot of
13 responsibilities. So I don't know if that
14 is actually done, and it certainly would
15 not be anything done on a regular basis.
16 But in going about analyzing our
17 own market, if the company would have
18 found it necessary, it is possible that
19 the company may have sought to obtain that
20 kind of information.
21 But here, we wouldn't be talking
22 about something that is not publicly
23 known; rather, it is something that is out
24 there in the open when you go out into the
25 marketplace.

00067:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY

02 See, the information pertaining
03 to the choalgo price for the respective
04 companies out there is something that
05 could be easily ascertained when you go
06 and talk with these agencies or any
07 customer out there. So having done this

96. PAGE 67:07 TO 67:20 (RUNNING 00:00:38.375)

07 customer out there. So having done this
08 in years past myself, I know about this
09 fairly well, actually.
10 As far as the choalgo price is
11 concerned, when you go out to these
12 certain agencies, these reps, they have
13 it, you know, stuck there on the wall
14 itself, because they need to figure out
15 what kind of a margin they need to add in
16 order to determine what their sale price
17 is going to be. And given that there are

Case Clip(s) Detailed Report
Monday, November 26, 2018, 10:10:58 AM

Min Sang Chang

18 too many items, too many SKUs to be sold,
19 you just can't memorize all that. So they
20 had stuck there on the wall itself.

97. PAGE 67:21 TO 68:03 (RUNNING 00:00:24.388)

21 So as far as I am concerned, I
22 think there is -- yeah -- certainly a good
23 possibility that our employees may have
24 utilized such information as part of their
25 analysis. And this, again, is information
00068:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 that is readily available, easily
03 obtainable out there in the marketplace.

98. PAGE 72:15 TO 72:21 (RUNNING 00:00:22.612)

15 Q. But you testified earlier, if I
16 recall, that as a general proposition,
17 because Nongshim had over 70 percent of
18 the Ramen market, you weren't all that
19 interested in your competitors' prices.
20 Did I understand that testimony
21 correctly?

99. PAGE 72:25 TO 73:06 (RUNNING 00:00:17.290)

25 A. Given that we held 70 percent or
00073:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 more of the market share, at any given
03 time, what was important was our
04 information, not the information
05 pertaining to -- not any information
06 pertaining to the competition.

100. PAGE 73:07 TO 73:16 (RUNNING 00:00:28.368)

07 And I think this goes for any
08 global company out there, other companies
09 too, in other words. In a company's going
10 about establishing its own strategies, it
11 is necessary, certainly, to take into
12 account things on the part of the
13 competition. But that's really where it
14 ends. It's no more than that, no less
15 than that. That's about the level of
16 thing I'm talking about.

101. PAGE 76:03 TO 76:09 (RUNNING 00:00:21.638)

03 Q. In the period between the time
04 that you stopped your Nielsen subscription
05 that you just described at the end of the
06 '90s or early aughts and when you
07 subscribed to the Link Aztec services in
08 2008, was there some similar service that
09 Nongshim Korea was using?

102. PAGE 76:10 TO 77:07 (RUNNING 00:01:15.409)

10 A. So just to briefly explain the
11 reason why we stopped subscribing to the
12 Nielsen service, back in the early aughts,
13 things were not all that complex within
14 the distribution channels. Things were
15 much simpler compared to nowadays,
16 certainly.
17 And by that, I'm talking about
18 how the online, say, market wasn't all
19 that big, nor was things in terms of the

Case Clip(s) Detailed Report
Monday, November 26, 2018, 10:10:58 AM

Min Sang Chang

20 discount marts, CVS, and what have you.
21 The channels were simpler.
22 And going to my recollection.
23 So it was in the early to middle of the
24 year 2000 or so that CVS and these
25 discount marts were connected via EDI,
00077:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 which meant that we could basically get an
03 immediate idea as to our -- as to the
04 revenue figures. And -- and so there, we
05 briefly stopped subscribing to Nielsen.
06 And, now, come the end of the
07 2000, that is, the end of the 2000s -- and

103. PAGE 77:07 TO 77:13 (RUNNING 00:00:19.828)

07 2000, that is, the end of the 2000s -- and
08 I am talking about 2008, 2007, and so
09 forth -- by that point in time, things
10 became rather complex in terms of the
11 channels. The competition within the
12 market was rather fierce. And there was a
13 lot of in-store promotions. And to the

104. PAGE 77:13 TO 77:17 (RUNNING 00:00:14.595)

13 lot of in-store promotions. And to the
14 extent that the channels were a lot more
15 fierce, we decided to subscribe to Link
16 Aztec so as to get a better bird's-eye
17 view as to the goings on.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:33:16.949)

Case Clip(s) Detailed Report

Min Sang Chang

Monday, November 26, 2018, 10:11:37 AM

Case Clip(s) Detailed Report
Monday, November 26, 2018, 10:11:37 AM

Min Sang Chang

Chang, Min S. (Vol. 01) - 03/28/2016

1 CLIP (RUNNING 00:26:18.335)

So if I may further elaborate on ...

Final 032816

113 SEGMENTS (RUNNING 00:26:18.335)



1. PAGE 5:07 TO 5:09 (RUNNING 00:00:04.230)

07 So if I may further elaborate on
08 some of my testimony, please.
09 Q. Surely.

2. PAGE 5:10 TO 5:15 (RUNNING 00:00:21.183)

10 A. So first of all, to speak in
11 terms of the Ramen market space, first of
12 all, it was around the years '85, '86,
13 when, after '86 was over, for three years,
14 basically, things changed within the Ramen
15 space in that we'd become number one.

3. PAGE 5:16 TO 5:22 (RUNNING 00:00:22.844)

16 And as memory serves, in the
17 early '80s, there were such companies as
18 Binggrae coming on really strong, Paldo of
19 Korea Yakult. There was, in fact, a
20 company called Chung Bo. And so we, the
21 five of us, were basically competing
22 against each other.

4. PAGE 5:23 TO 6:03 (RUNNING 00:00:12.999)

23 And for the sake of convenience,
24 just to kind of delineate this in terms of
25 particular time periods, come the
00006:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 mid-'90s, by that point in time, why, we
03 had garnered 60 percent of market shares.

5. PAGE 6:04 TO 6:14 (RUNNING 00:00:25.999)

04 And there were certain other
05 changes as to the underlying market
06 dynamics in that the '95-'96 timeframe,
07 you started seeing more of these CVS-type
08 stores, which had begun popping up
09 starting in the latter part of the '80s,
10 and they kept on growing by adding on more
11 change or members to the chains and so
12 forth.
13 Also, there were many of these
14 hypermarkets and clubs starting in the

6. PAGE 6:15 TO 6:20 (RUNNING 00:00:11.012)

15 '90s through '95. And these things -- the
16 CVSes, hypermarkets, clubs, and what have
17 you -- we called these the new
18 distribution channels, because that's
19 exactly what they were -- a new type of
20 channel.

7. PAGE 6:23 TO 6:25 (RUNNING 00:00:06.694)

23 A. And I'm not entirely certain

Case Clip(s) Detailed Report
Monday, November 26, 2018, 10:11:37 AM

Min Sang Chang

24 about this, but I believe Chung Bo, the
25 company, was acquired by Ottogi.

8. PAGE 7:02 TO 7:06 (RUNNING 00:00:14.108)

02 And during the period of '95
03 through 2005 -- 2005, our market share
04 reached almost 70 percent. In the
05 meantime, these new distribution channels
06 had grown by leaps and bounds.

9. PAGE 7:07 TO 7:18 (RUNNING 00:00:27.788)

07 And so already back then in
08 1995, by which point in time we had
09 already garnered 60 percent of the market
10 share, by that point in time, what was
11 more important to us was not information
12 pertaining to the competition but to --
13 for us to find out ways about how we
14 further may revamp our overall revenue
15 figures, to which extent the things we've
16 talked about -- the distribution aspects,
17 the displays, the facings -- those became
18 much more important to us.

10. PAGE 7:19 TO 7:24 (RUNNING 00:00:14.916)

19 And more or less, around the
20 early aughts -- and I'm not too sure
21 exactly when. But I'm thinking maybe
22 2002, 2003 or so, these new distribution
23 channels -- they all came online, as it
24 were, being computerized.

11. PAGE 7:25 TO 8:07 (RUNNING 00:00:17.327)

25 And so on the one hand, these
00008:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 new distribution channels had all become
03 connected by way of an - a computer
04 network. And in the meantime, our
05 company, as you well -- are no doubt well
06 aware, we happened to wield quite some
07 influence within the marketplace.

12. PAGE 8:08 TO 8:14 (RUNNING 00:00:18.295)

08 And the point here is that these
09 new distribution channels availed us of
10 information via their computer networks so
11 that we may either verify certain things,
12 or they would do that for their own needs
13 basically to -- in the hopes of increasing
14 the --

13. PAGE 8:16 TO 8:18 (RUNNING 00:00:05.357)

16 A. -- in the -- to the end that
17 they would share with us certain revenue
18 figures.

14. PAGE 8:19 TO 8:23 (RUNNING 00:00:13.602)

19 Now, whereas even before the
20 aughts, we were able to secure such data
21 but in the absence of any available
22 computer networks; things were a lot more
23 of a hassle back then. And to say that

Case Clip(s) Detailed Report
Monday, November 26, 2018, 10:11:37 AM

Min Sang Chang

15. PAGE 8:23 TO 9:04 (RUNNING 00:00:13.498)

23 of a hassle back then. And to say that
24 starting in the early 2000, these computer
25 networks were thus becoming available,
00009:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 means, on the other hand, that the CVses
03 and such would, for instance, sell their
04 data.

16. PAGE 9:05 TO 9:09 (RUNNING 00:00:10.404)

05 And the basic point here is that
06 to whatever extent one pleases, we could
07 ascertain things not just as to our own
08 sales but as to such things on the part of
09 the competition, if we wanted. And

17. PAGE 9:10 TO 9:14 (RUNNING 00:00:14.419)

10 effectively taking advantage of the
11 available computer network as such,
12 starting in the early aughts or the middle
13 of the 2000s, we started basically getting
14 connected by way of an EDI.

18. PAGE 9:15 TO 9:20 (RUNNING 00:00:21.156)

15 And so it was thus the case that
16 by way of these new distribution channels'
17 computer networks, we were thus able to
18 get a bird's-eye view as to the goings on
19 in terms of the competition region by
20 region and, in fact, the total picture.

19. PAGE 9:21 TO 10:05 (RUNNING 00:00:25.668)

21 Now, I want to take a quick look
22 at things in terms of the 2000 through
23 2010. And before that, say, back then in
24 the '90s, because these new distribution
25 channels had yet to come in full-fledged,
00010:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 back then, the traditional outlets,
03 traditional marketplaces, were still our
04 bread and butter, namely, the agencies
05 with whom we were under contract.

20. PAGE 10:06 TO 10:11 (RUNNING 00:00:13.965)

06 But starting around the early
07 aughts, as I said, with the advent of the
08 new distribution channels, which were just
09 taking off like crazy, the traditional
10 market structure basically started
11 crumbling.

21. PAGE 10:12 TO 10:19 (RUNNING 00:00:18.051)

12 So by the point in time when we
13 had effectively garnered up to 70 percent
14 of the market share, as I said, no
15 longer -- the competition was no longer
16 important to us. What was important for
17 us was to come up with the appropriate
18 strategies to deal with those particular
19 channels, in fact.

Case Clip(s) Detailed Report
Monday, November 26, 2018, 10:11:37 AM

Min Sang Chang

22. PAGE 10:20 TO 11:19 (RUNNING 00:01:07.120)

20 The point that you should keep
21 in mind is the fact that we had
22 encountered these hither to un -- hither
23 to, you know --
24 THE INTERPRETER: Strike.
25 A. We had encountered these new
00011:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 distribution channel companies run by
03 major concerns, something that we had not
04 encountered before that.
05 And as you can well imagine,
06 between the distribution channels and the
07 manufacturers, it's going to be the
08 manufacturers who are always going to be
09 weaker in terms of the negotiating
10 positions. And indeed, sometimes we would
11 be quite perplexed about certain things.
12 And the undue pressures that sometimes get
13 put on us are, you know, quite, you know,
14 hard to talk about.
15 But so as the number one leading
16 company, we always have had to strive
17 harder to find ways to respond to such
18 things more than the second or third guy.
19 Q. Okay.

23. PAGE 11:20 TO 11:25 (RUNNING 00:00:18.533)

20 A. And to date, that remains our
21 overall concern, and there has been no
22 change, in fact, in that regard. But as
23 of late, the online market has become even
24 more dynamic, and that is sizing up to be
25 a new issue that we need to deal with.

24. PAGE 15:13 TO 15:17 (RUNNING 00:00:16.559)

13 Q. Mr. Chang, can you tell me
14 whether you had any role in the process
15 for deciding to raise the price of
16 Nongshim's Ramen products in the Korean
17 domestic market in 2008?

25. PAGE 15:20 TO 15:20 (RUNNING 00:00:01.511)

20 A. None whatsoever.

26. PAGE 37:07 TO 37:12 (RUNNING 00:00:12.435)

07 Q. Okay. I'm going to ask you to
08 please take a look at Exhibit 114, and I
09 will just have a couple of questions for
10 you about it.
11 So when you're ready, let me
12 know.

27. PAGE 37:14 TO 37:15 (RUNNING 00:00:01.754)

14 Q. All right. Do you recognize
15 this document?

28. PAGE 37:16 TO 37:17 (RUNNING 00:00:03.388)

16 A. Yes.
17 Q. Can you tell me what it is.

Case Clip(s) Detailed Report
Monday, November 26, 2018, 10:11:37 AM

Min Sang Chang

29. PAGE 37:18 TO 37:23 (RUNNING 00:00:15.703)

18 A. It seems to me to be a protocol
19 of examination at the -- on the part of
20 the KFTC.
21 Q. Can you describe to me the
22 circumstances under which this document
23 was prepared.

30. PAGE 37:24 TO 37:24 (RUNNING 00:00:03.242)

24 A. Let me talk about that.

31. PAGE 37:25 TO 38:03 (RUNNING 00:00:07.331)

25 So to my recollection, the day
00038:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 on which I went to testify as such, the
03 weather was rather warm. It was hot. And

32. PAGE 38:04 TO 38:05 (RUNNING 00:00:04.429)

04 I believe I arrived at the offices of the
05 KFTC at 8:30. And the examination -- the

33. PAGE 38:05 TO 38:09 (RUNNING 00:00:13.522)

05 KFTC at 8:30. And the examination -- the
06 interrogation room happened to be on the
07 top floor of their building. And, again,
08 the day was very hot, and the heat
09 radiating was immense.

34. PAGE 38:10 TO 38:11 (RUNNING 00:00:05.383)

10 And as I recall, there was this
11 investigator, one female investigator.

35. PAGE 38:12 TO 38:13 (RUNNING 00:00:04.914)

12 There was one desk, and there was a fan
13 but facing towards her. Not even a bottle

36. PAGE 38:13 TO 38:14 (RUNNING 00:00:01.502)

13 but facing towards her. Not even a bottle
14 of water. I was rather flabbergasted,

37. PAGE 38:14 TO 38:16 (RUNNING 00:00:04.607)

14 of water. I was rather flabbergasted,
15 frankly, such that I recall this quite
16 distinctly. And, if memory serves, I

38. PAGE 38:16 TO 38:18 (RUNNING 00:00:05.666)

16 distinctly. And, if memory serves, I
17 believe I was accompanied by counsel that
18 day.

39. PAGE 38:19 TO 38:19 (RUNNING 00:00:01.249)

19 So we go in together. And what

40. PAGE 38:19 TO 38:23 (RUNNING 00:00:20.608)

19 So we go in together. And what
20 this investigator lady says to the
21 attorney is, "You may sit in the back of
22 this gentleman, but you don't say
23 anything." And upon that, this is what I

Case Clip(s) Detailed Report
Monday, November 26, 2018, 10:11:37 AM

Min Sang Chang

41. PAGE 38:23 TO 39:04 (RUNNING 00:00:13.654)

23 anything." And upon that, this is what I
24 was thinking: The fact that you have
25 counsel accompany you is, in fact, for you
00039:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 to be provided with legal advice from time
03 to time, as necessary, for you to confer
04 with said counsel. But from the get-go,

42. PAGE 39:04 TO 39:07 (RUNNING 00:00:09.865)

04 with said counsel. But from the get-go,
05 she tells the attorney not to open his
06 mouth, and I was just really -- really
07 perplexed with that.

43. PAGE 39:08 TO 39:10 (RUNNING 00:00:05.598)

08 And I recall distinctly, rather
09 distinctly, the very first word she
10 uttered to me. And what that was was

44. PAGE 39:10 TO 39:15 (RUNNING 00:00:14.787)

10 uttered to me. And what that was was
11 that, "Sir, this is the case for not just
12 the person who came before you and you --
13 basically all of you -- depending on how
14 you testify, you may be subject to
15 criminal prosecution."

45. PAGE 39:16 TO 39:18 (RUNNING 00:00:06.870)

16 And I believe the examination
17 went into the night, until about
18 8:00 p.m., if I recall correctly. And I

46. PAGE 39:18 TO 39:20 (RUNNING 00:00:04.967)

18 8:00 p.m., if I recall correctly. And I
19 don't think I got to take, you know, too
20 many breaks, in fact.

47. PAGE 39:21 TO 39:23 (RUNNING 00:00:07.467)

21 Now, so I come here now. This
22 is completely different from the
23 atmosphere while at the KFTC. And

48. PAGE 39:23 TO 40:17 (RUNNING 00:00:56.936)

23 atmosphere while at the KFTC. And
24 somewhere in the middle or maybe towards
25 the end -- I forget exactly. But at some
00040:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 point, I say to the lady -- I say, "Look.
03 Why are you doing this? You have not a
04 shred of evidence. Why do you speak to us
05 as if we're criminals? Why do you talk to
06 us in this manner, accusing us, alleging
07 collusion on our part, when we're clearly
08 saying that we have not colluded?"
09 And upon that, the investigator
10 says, "Look. The way things go nowadays
11 on the parts of their KFTC or other
12 countries' similar bodies, just some
13 supposition, some suggestion as to
14 collusion is usually enough nowadays to
15 result in a conviction. That's the case
16 in the United States as well as Europe and

Case Clip(s) Detailed Report
Monday, November 26, 2018, 10:11:37 AM

Min Sang Chang

17 so forth." That's what she says.

49. PAGE 40:18 TO 40:20 (RUNNING 00:00:06.595)

18 Now I come here -- here's Madam
19 Reporter. There was nobody sitting down
20 taking notes like that.

50. PAGE 40:21 TO 40:25 (RUNNING 00:00:14.732)

21 So there I was, in a very small
22 stuffy confined room, small desk, the
23 female investigator there, me here, and my
24 attorney somewhere in the corner over
25 there. And every now and then, this guy,

51. PAGE 40:25 TO 41:02 (RUNNING 00:00:04.729)

25 there. And every now and then, this guy,
00041:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 a male investigator, would come and go.

52. PAGE 41:03 TO 41:05 (RUNNING 00:00:04.376)

03 Sometimes, you know, he'd drop off some
04 documents or whatever, that sort of a
05 deal.

53. PAGE 41:06 TO 41:09 (RUNNING 00:00:07.666)

06 Now, so think about this. We're
07 not too keen -- we folks are not too keen
08 on legal matters. And our attorney is
09 told to shut up. And the other thing is

54. PAGE 41:09 TO 41:13 (RUNNING 00:00:14.645)

09 told to shut up. And the other thing is
10 it's, like, really, really intimidating --
11 "Isn't this true," you know? Like,
12 there's just -- they couldn't be more
13 intimidating than that. To say the least,

55. PAGE 41:13 TO 41:16 (RUNNING 00:00:09.380)

13 intimidating than that. To say the least,
14 I was rather taken aback, quite
15 flabbergasted. And, you know, I recall
16 that experience quite succinctly.

56. PAGE 41:17 TO 41:19 (RUNNING 00:00:06.599)

17 And so even as we were wrapping
18 things up, here she was, asking me to read
19 what she had jotted down, saying she

57. PAGE 41:19 TO 41:21 (RUNNING 00:00:05.013)

19 what she had jotted down, saying she
20 needed to go home, rather, or right away,
21 and that it was late in the evening. She

58. PAGE 41:22 TO 41:25 (RUNNING 00:00:11.076)

22 had in the meantime gone and changed into
23 a fresh set of clothes and said that she
24 needed to check out and go home soon, so,
25 "Please sign off on it."

59. PAGE 42:02 TO 42:06 (RUNNING 00:00:12.908)

02 And so to my recollection,
03 having begun at 8:30 a.m. and except for

Case Clip(s) Detailed Report
Monday, November 26, 2018, 10:11:37 AM

Min Sang Chang

04 the one hour lunch break, we went until
05 8:00 p.m. without pretty much any break.
06 So that was quite -- quite a long while.

60. PAGE 42:07 TO 42:09 (RUNNING 00:00:09.733)

07 Later on, in terms of what there was, I
08 saw that this was the only thing that
09 there was left. So that is what I'm able

61. PAGE 42:09 TO 42:12 (RUNNING 00:00:09.421)

09 there was left. So that is what I'm able
10 to recollect in terms of what had happened
11 on that day when this protocol was
12 drafted.

62. PAGE 42:13 TO 42:17 (RUNNING 00:00:17.745)

13 And this isn't just something at
14 the level of being a little perplexed,
15 bamboozled; it goes way beyond that.
16 Q. Did you review the document
17 before you signed it?

63. PAGE 42:18 TO 42:20 (RUNNING 00:00:06.762)

18 A. I really wasn't able to review
19 it fully. She kept saying that she wanted
20 to go home soon and rushed me.

64. PAGE 62:07 TO 62:11 (RUNNING 00:00:16.704)

07 Q. Okay. Do you know where the
08 members of the research investigation team
09 might have gotten information as to the
10 revenue goals for Samyang, Yakult, or
11 Ottogi?

65. PAGE 62:14 TO 63:05 (RUNNING 00:00:49.697)

14 A. So I really don't know if this
15 is actually representative of information
16 that the distribution investigation team
17 collected. But when it comes to these
18 sorts of things, such as the revenue goal
19 performance and so forth, I wouldn't know
20 if these numbers are exact or what.
21 But in my mind, it is more than
22 possible for anybody to, say, kind of
23 figure these things out by way of talking
24 to the agencies out there or by way of the
25 distribution channel data, such as those
00063:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 made available by the POS and so forth,
03 certainly, EDI. It is the kind of data
04 that can be readily ascertained and, in
05 fact, kind of put together.

66. PAGE 63:06 TO 63:20 (RUNNING 00:00:32.611)

06 So based upon my own experience
07 of being out there in the marketplace,
08 from what I recall, you call on these
09 little --
10 THE INTERPRETER: Strike.
11 A. -- you call on these stores,
12 like, at the start of a month, let's say
13 on the 1st or the 2nd. Typically, you'll
14 see these things just posted on one of

Case Clip(s) Detailed Report
Monday, November 26, 2018, 10:11:37 AM

Min Sang Chang

15 their walls. Basically, they'll have
16 their own revenue goal for that month,
17 their own respective revenue goals for
18 each type of product, because they need to
19 kind of refer to that in order to know
20 what they're supposed to be shooting for.

67. PAGE 63:21 TO 63:24 (RUNNING 00:00:06.448)

21 So -- and typically, they tell
22 you, "Oh, you know, I'm doing 5 percent
23 better than last month, 10 percent better
24 than last month," things like that.

68. PAGE 82:15 TO 82:22 (RUNNING 00:00:20.551)

15 Q. My question is really fairly
16 simple.
17 It's not whether you can think
18 of a reason why this was done, but simply
19 do you know whether Nongshim employees
20 prepared reports on a regular basis
21 concerning these sales incentives being
22 offered by Samyang, Ottogi, and Yakult?

69. PAGE 82:24 TO 83:06 (RUNNING 00:00:26.424)

24 A. No. I have not been furnished
25 with reports to that effect on a regular
00083:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 basis.
03 Q. Okay. Similarly, did Nongshim
04 employees prepare reports on a regular
05 basis concerning the Ramen sales targets
06 of Ottogi, Yakult, and Samyang?

70. PAGE 83:08 TO 83:17 (RUNNING 00:00:27.517)

08 A. So as you will hopefully recall,
09 I've been telling you throughout that ever
10 since the mid-'90s, the information -- any
11 information pertaining to the competition
12 was no longer important to us. That is,
13 in fact, more so ever since the 2000s.
14 And so you ask if our people
15 regularly tracked anything like that; have
16 there been reports that I've been
17 furnished with; no. The answer is no.

71. PAGE 99:03 TO 99:05 (RUNNING 00:00:05.382)

03 Q. Does the company have a policy
04 against using private emails for company
05 business?

72. PAGE 99:09 TO 99:16 (RUNNING 00:00:24.586)

09 A. There is no policy that forbids
10 that. However, when you look at the
11 company policies, there, the company
12 provides that information that is not
13 public or not to be made public shall be
14 governed in -- along some very, very
15 strict guidelines. And that is disclosed
16 across many pages.

73. PAGE 99:17 TO 99:19 (RUNNING 00:00:08.815)

17 Anyhow, so that -- going back,
18 so that is why the company embarked upon a

Case Clip(s) Detailed Report
Monday, November 26, 2018, 10:11:37 AM

Min Sang Chang

19 separate independent investigation of its

74. PAGE 99:20 TO 99:22 (RUNNING 00:00:06.795)

20 own. And the fact is nobody -- not one
21 single individual -- was subject to any
22 censure or discipline.

75. PAGE 147:08 TO 147:10 (RUNNING 00:00:05.365)

08 Q. Okay. Can you tell me briefly
09 what the purpose of the Ramen conference
10 is, briefly.

76. PAGE 147:11 TO 147:14 (RUNNING 00:00:09.767)

11 A. So firstly, South Korea
12 basically works on a value-added tax
13 system. They have a VAT of 10 percent
14 added on to the price of the product. And

77. PAGE 147:15 TO 147:20 (RUNNING 00:00:13.466)

15 effectively, the sellers of products
16 pre --
17 THE INTERPRETER: Sorry.
18 Strike.
19 A. -- charge ahead of time this 10
20 percent VAT tax from the consumers.

78. PAGE 147:21 TO 148:03 (RUNNING 00:00:18.306)

21 Now, you can see how, if a
22 company sells 100 units of whatever and
23 yet reports to the Korean tax authorities
24 that they sold only 90, then they get to
25 make away with, you know, X times 10
00148:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 percent, and so, you know, there is room
03 for tax abuse.

79. PAGE 148:04 TO 148:09 (RUNNING 00:00:13.711)

04 And so there is going to be a
05 tax receipt that needs to be exchanged as
06 between the seller of a certain product
07 and a particular purchaser of certain said
08 product who, in turn, turns around and
09 sells to the consumers.

80. PAGE 148:10 TO 148:17 (RUNNING 00:00:29.055)

10 And so between the years of 2003
11 to 2010, roughly, because -- to the extent
12 these tax receipts were not completely
13 being provided or received and so forth,
14 the tax authorities basically felt that
15 there was a lot of shenanigans going on in
16 terms of how sellers of product were
17 basically pocketing the VAT taxes.

81. PAGE 148:18 TO 148:20 (RUNNING 00:00:06.605)

18 So the idea thus was to come up
19 with this sort of a conference. I will
20 call it a conference too myself. And the

82. PAGE 148:20 TO 148:25 (RUNNING 00:00:15.762)

20 call it a conference too myself. And the
21 idea underlying that was to basically
22 educate people so as to ensure that both

Case Clip(s) Detailed Report
Monday, November 26, 2018, 10:11:37 AM

Min Sang Chang

23 the seller as well as the buyer of product
24 would faithfully issue and receive these
25 tax receipts. And if there be any

83. PAGE 148:25 TO 149:04 (RUNNING 00:00:09.537)

25 tax receipts. And if there be any
00149:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 problems in that regard, we would go out
03 into those locales and, basically, educate
04 them. So that is the purpose for which

84. PAGE 149:04 TO 149:16 (RUNNING 00:00:38.295)

04 them. So that is the purpose for which
05 the conference was begun.
06 Now, secondly -- and I happen to
07 share in this opinion, as do a number of
08 others, I will tell you. So
09 notwithstanding the first purpose for
10 which was started, a lot of people kind of
11 figured that maybe this was begun so as to
12 essentially provide some post-retirement
13 employment to former Korean tax authority
14 members, whether they leave upon reaching
15 the age of 65 or just, you know, leave in
16 the interim.

85. PAGE 149:17 TO 149:20 (RUNNING 00:00:11.535)

17 So the way the conference was
18 set up was there was a secretariat general
19 that was organized first as part of this
20 conference. And the secretary general for

86. PAGE 149:20 TO 149:23 (RUNNING 00:00:14.919)

20 conference. And the secretary general for
21 said secretariat was a former Korean tax
22 authority man. And it was under his
23 auspices that things were to be run. So

87. PAGE 149:23 TO 150:05 (RUNNING 00:00:14.088)

23 auspices that things were to be run. So
24 it's not that we picked who was going to
25 come; it was the Korean tax authority
00150:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 themselves who indicated who was going to
03 come.
04 Q. Did the companies second
05 employees to serve on the secretariat?

88. PAGE 150:06 TO 150:07 (RUNNING 00:00:02.475)

06 A. Let me talk about that. So
07 underneath the secretariat -- so you kind

89. PAGE 150:07 TO 150:11 (RUNNING 00:00:12.980)

07 underneath the secretariat -- so you kind
08 of beat me to it before I was able to
09 address it. But sure enough, basically,
10 attached to the secretariat, each company
11 was to second a man to serve there.

90. PAGE 150:12 TO 150:16 (RUNNING 00:00:15.727)

12 Now, what -- what I need to
13 stress here is the fact that the
14 organization was set up at the behest of

Case Clip(s) Detailed Report
Monday, November 26, 2018, 10:11:37 AM

Min Sang Chang

15 the Korean tax authority, not because we,
16 the companies, wanted to have that. One

91. PAGE 150:16 TO 150:18 (RUNNING 00:00:05.252)

16 the companies, wanted to have that. One
17 way or another, by hook or crook, we end
18 up each seconding a man to serve there.

92. PAGE 150:19 TO 150:23 (RUNNING 00:00:11.065)

19 In the meantime, Binggrae, who
20 had the smallest market share, said, "We
21 just cannot afford to second a person
22 there. Instead, we'll pitch in in terms
23 of the expenses." Ottogi says, "Well, we

93. PAGE 150:23 TO 150:25 (RUNNING 00:00:05.923)

23 of the expenses." Ottogi says, "Well, we
24 can't send a full-time employee. We're
25 going to send a part-timer."

94. PAGE 151:02 TO 151:04 (RUNNING 00:00:08.125)

02 And as for us, at first, what we
03 did was we sent somebody there who was
04 looking at imminent retirement. And then

95. PAGE 151:04 TO 151:10 (RUNNING 00:00:16.849)

04 looking at imminent retirement. And then
05 after that person, in fact, retired, we
06 basically called somebody out of
07 retirement and hired back the person with
08 an annual salary and everything and,
09 basically, hired -- had that person attend
10 that basically on a contract basis. Now,

96. PAGE 151:10 TO 151:15 (RUNNING 00:00:12.481)

10 that basically on a contract basis. Now,
11 with each of those seconded personnel
12 being paid by their respective companies,
13 they are there working for the
14 secretariat, conducting work for the
15 secretariat.

97. PAGE 151:16 TO 151:20 (RUNNING 00:00:12.268)

16 Now, then there are the people
17 who were on dispatch from each of the
18 companies, handling work for the
19 respective companies, and among them would
20 be --

98. PAGE 152:02 TO 152:06 (RUNNING 00:00:10.064)

02 Going back.
03 A. Among them would be a person
04 serving as an assistant administrator for
05 tax consideration purposes.
06 Q. Okay.

99. PAGE 152:07 TO 152:11 (RUNNING 00:00:19.166)

07 A. So with each company having an
08 assistant administrator as such, on top of
09 that echelon would be, say, the respective
10 companies' head of sales HQ, who would be
11 serving as executives of this conference.

Case Clip(s) Detailed Report
Monday, November 26, 2018, 10:11:37 AM

Min Sang Chang

100. PAGE 152:12 TO 152:19 (RUNNING 00:00:20.876)

12 So to speak in terms of
13 expenses, there would be the remuneration
14 for the general -- secretary general, as
15 we discussed, the salary for the one
16 female employee who would be there, the
17 office lease-related cost, and other
18 ancillary costs having to do with training
19 and education. And those costs were

101. PAGE 152:19 TO 153:02 (RUNNING 00:00:29.134)

19 and education. And those costs were
20 basically prorated for each company based
21 upon their respective market share.
22 Q. Okay. Let me stop you.
23 All right. Do you know an
24 individual named Chan-Oong Kim?
25 The translation that I have is
00153:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 C-H-A-N - O-O-N-G K-I-M.

102. PAGE 153:03 TO 153:06 (RUNNING 00:00:08.699)

03 A. With what company? Our company?
04 Q. Yes.
05 A. Kim what?
06 Q. Chan-Oong.

103. PAGE 153:07 TO 153:09 (RUNNING 00:00:07.434)

07 A. Oh, yeah. So that individual,
08 at that time, was serving as our
09 administrator for tax purposes. And

104. PAGE 153:09 TO 153:13 (RUNNING 00:00:12.482)

09 administrator for tax purposes. And
10 typically, these assistant administrators
11 would be individuals at the team level who
12 would be handling tax matters in their own
13 company. And mind you, these sorts of

105. PAGE 153:13 TO 153:20 (RUNNING 00:00:16.574)

13 company. And mind you, these sorts of
14 conferences -- you know, it's not just --
15 they're not --
16 THE INTERPRETER: Strike.
17 A. It's not just there for Ramen.
18 But throughout the whole country of South
19 Korea, you'll see about 30 different types
20 of conferences for various sectors. For

106. PAGE 153:20 TO 153:23 (RUNNING 00:00:07.674)

20 of conferences for various sectors. For
21 instance, you'll see such for not just
22 Ramen but milk, ice cream, drinks,
23 cookies -- a whole slew of them. And

107. PAGE 153:23 TO 154:03 (RUNNING 00:00:08.987)

23 cookies -- a whole slew of them. And
24 there would be one for the Samsung
25 Electronics-type things and just anything
00154:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 having to do with consumer-related
03 products.

Case Clip(s) Detailed Report
Monday, November 26, 2018, 10:11:37 AM

Min Sang Chang

108. PAGE 166:25 TO 167:08 (RUNNING 00:00:24.304)

25 Q. Okay. So let me just ask a
00167:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 quick series of questions here.
03 During the two years that you
04 participated in the Ramen conference, do
05 you recall any discussion of price
06 increases between yourself on behalf of
07 Nongshim and the representatives of any of
08 your competitors?

109. PAGE 167:09 TO 167:17 (RUNNING 00:00:22.613)

09 A. So as I mentioned earlier, the
10 people who would attend the Ramen
11 conference would be the respective
12 companies' salespeople, which was the case
13 for me too.
14 Now, I cannot quite speak about
15 the competition. But when it comes to
16 price increases, I don't know about those
17 things. And so just to further drive home

110. PAGE 167:17 TO 168:05 (RUNNING 00:00:34.572)

17 things. And so just to further drive home
18 the point, I am in the dark as much as
19 anybody else when it comes to any
20 prospective Ramen price increase. And
21 having gone to the conference on at least
22 two occasions, you know, upon getting
23 there, I --
24 THE INTERPRETER: Strike.
25 A. -- I saw that it's not the sort
00168:01 CHANG - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 of place where you talk about those
03 things.
04 Q. Okay. So is the answer to my
05 question "no"?

111. PAGE 168:06 TO 168:06 (RUNNING 00:00:00.840)

06 A. That is correct.

112. PAGE 170:18 TO 170:24 (RUNNING 00:00:19.308)

18 Q. So as you sit here today, are
19 you aware of any information that would
20 suggest to you that the question of price
21 increases in the Ramen noodle market
22 domestically was ever discussed at any of
23 the meetings involving the Ramen
24 conference at any level?

113. PAGE 170:25 TO 170:25 (RUNNING 00:00:02.027)

25 A. I am not, none whatsoever.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:26:18.335)

COURT EXHIBIT 18c

KoreanNoodles

Chang, Min Sang (Vol. 01) - 03/25/2016

1 CLIP (RUNNING 00:01:00.489)

Redirect

CHANGMINSANG-0325R

4 SEGMENTS (RUNNING 00:01:00.489)



1. PAGE 75:09 TO 75:11 (RUNNING 00:00:14.982)

09 Q. Do you recall during what period
10 Nongshim Korea was using an AC Nielsen
11 subscription?

2. PAGE 75:12 TO 75:20 (RUNNING 00:00:28.680)

12 A. As far as Link Aztec, we
13 subscribed to their services starting in
14 2008. Now, as for AC Nielsen Korea, if
15 memory serves, it was starting in the
16 mid-'80s that we subscribed to their
17 services until a certain point in time,
18 and then we stopped. And then starting in
19 2009, we started subscribing to them
20 again.

3. PAGE 75:21 TO 75:23 (RUNNING 00:00:07.703)

21 Q. Do you remember when you stopped
22 your Nielsen subscription after you had
23 had it in the mid-'80s?

4. PAGE 75:24 TO 76:02 (RUNNING 00:00:09.124)

24 A. So I don't exactly recall, but I
25 wonder if that wasn't the end of the '90s,
00076:01
02 maybe early aughts.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:01:00.489)

KoreanNoodles

Chang, Min Sang (Vol. 02) - 03/28/2016

1 CLIP (RUNNING 00:00:16.546)

Redirect

CHANGMINSANG-0328R

2 SEGMENTS (RUNNING 00:00:16.546)



1. PAGE 13:06 TO 13:09 (RUNNING 00:00:08.722)

06 Q. Okay. Can you tell me, sir, the
07 names of the individuals who were present
08 with you when you were preparing for your
09 deposition testimony with counsel.

2. PAGE 13:22 TO 13:23 (RUNNING 00:00:07.824)

22 A. That was Mr. Hyun-Gyoon Choi and
23 Yeo Won Yoon.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:00:16.546)

COURT EXHIBIT 19a

KoreanNoodles

Lee, Jae Chan (Vol. 01) - 03/30/2016**1 CLIP (RUNNING 00:16:44.394)****LEEJAECHAN-0330****78 SEGMENTS (RUNNING 00:16:44.394)****1. PAGE 5:07 TO 5:16 (RUNNING 00:00:09.380)**

07 A L B E R T K I M,
08 the interpreter, having first
09 been duly sworn by Sharon Lengel,
10 the Notary Public, interpreted
11 the testimony as follows:
12 J A E C H A N L E E,
13 having first been duly sworn by
14 Sharon Lengel, the Notary Public,
15 was examined and testified as
16 follows:

2. PAGE 5:12 TO 5:16 (RUNNING 00:00:01.777)

12 J A E C H A N L E E,
13 having first been duly sworn by
14 Sharon Lengel, the Notary Public,
15 was examined and testified as
16 follows:

3. PAGE 7:03 TO 7:04 (RUNNING 00:00:01.629)

03 Q. Okay. Where do you currently
04 work?

4. PAGE 7:05 TO 7:06 (RUNNING 00:00:04.335)

05 A. I currently work for Nongshim
06 Korea.

5. PAGE 7:07 TO 7:08 (RUNNING 00:00:02.431)

07 Q. Okay. And how long have you
08 worked for Nongshim Korea?

6. PAGE 7:09 TO 7:14 (RUNNING 00:00:17.909)

09 A. So I came on-board with the
10 company in 1996, and there was a brief
11 hiatus when I was not with the company.
12 And briefly, I had worked in the
13 United States. And presently, I work for
14 Nongshim Korea.

7. PAGE 7:15 TO 7:16 (RUNNING 00:00:03.560)

15 Q. During what time period did you
16 work in the United States?

8. PAGE 7:17 TO 7:19 (RUNNING 00:00:11.577)

17 A. So that was from
18 January 1, 2010, through August
19 the 31st, 2014.

9. PAGE 7:20 TO 7:21 (RUNNING 00:00:04.511)

20 Q. Tell me what you did when you
21 started with Nongshim Korea in 1996.

KoreanNoodles

10. PAGE 7:22 TO 8:04 (RUNNING 00:00:24.638)

22 A. So within Nongshim Korea, there
 23 is an arm of the company that is tasked
 24 with overseas export-related sales. And
 25 then there is an arm of the company that
 00008:01
 02 provides support unto said sales team.
 03 And I came on-board with the sales support
 04 team, as it were.

11. PAGE 8:05 TO 8:06 (RUNNING 00:00:02.385)

05 Q. How long were you with the sales
 06 support team?

12. PAGE 8:07 TO 8:09 (RUNNING 00:00:11.587)

07 A. It seems to me that that runs
 08 from the time when I came on-board all the
 09 way through about spring of 2008, I think.

13. PAGE 8:10 TO 8:12 (RUNNING 00:00:08.826)

10 Q. And from 2008 until you left to
 11 go to Nongshim America in 2010, what did
 12 you do?

14. PAGE 8:13 TO 8:19 (RUNNING 00:00:23.405)

13 A. So as you recall, just a moment
 14 ago, I told you that whereas in the
 15 company, there is, on the one hand, a
 16 sales support team, and then there is the
 17 sales team proper. So in 2008, I moved
 18 over to the sales team proper and was
 19 tasked with handling U.S.-oriented sales.

15. PAGE 30:21 TO 30:24 (RUNNING 00:00:18.091)

21 Q. Who would make the decision on
 22 whether to increase the price of a Ramen
 23 noodle product intended for the export
 24 market?

16. PAGE 31:04 TO 31:21 (RUNNING 00:00:58.591)

04 A. So in terms of -- in terms of
 05 who is the final authority, who basically
 06 gets to say yea or nay as to the raising
 07 of price for export-bound products, that
 08 is something that is specified within
 09 company regulations. Ultimately, the buck
 10 falls on the CEO. He is the designee in
 11 terms of the final decisionmaking
 12 authority.
 13 Now, as to the question of
 14 whether to raise or not, that is something
 15 that devolves upon the actual head of
 16 said, say, arm of the company, exports, in
 17 this regard. And the person who's in
 18 charge of exports, in an overall sense,
 19 will basically consider those things that
 20 I've talked about -- profitability, et
 21 cetera, the trends, and make a decision --

17. PAGE 31:22 TO 31:25 (RUNNING 00:00:09.646)

22 THE INTERPRETER: Strike.
 23 A. -- a recommendation of a sort to

KoreanNoodles

24 the CEO. And the CEO, if he deems it fit,
25 then will approve.

18. PAGE 32:02 TO 32:06 (RUNNING 00:00:20.185)

02 Q. Do you know whether there was
03 any sort of formal document that would, in
04 the normal course, be signed off on by the
05 head of -- the export sales and by the CEO
06 prior to implementing a price change?

19. PAGE 32:07 TO 32:13 (RUNNING 00:00:13.953)

07 THE INTERPRETER: Quick
08 adjustment as to the very last part,
09 by the interpreter.
10 "And he will make a
11 recommendation of a sort to the CEO
12 for the CEO's approval."
13 Now the question.

20. PAGE 32:14 TO 32:20 (RUNNING 00:00:17.353)

14 A. So when you ask that, do you
15 mean to ask if there exists an actual
16 document on which the approval gets
17 granted, meaning, something that seeks an
18 approval on, or are you asking as to any
19 company policies or regulations that
20 govern those sorts of things?

21. PAGE 32:22 TO 33:04 (RUNNING 00:00:29.658)

22 A. Yes, indeed. So although you
23 would figure that there is going to be
24 some prior coordination and whatnot,
25 ultimately, the decision as to an increase
00033:01
02 as to price is something that takes place
03 via paperwork. It is going to be by way
04 of an approval granted in writing.

22. PAGE 33:05 TO 33:07 (RUNNING 00:00:12.104)

05 Q. And do you know whose signatures
06 or chops or approvals you would find on
07 that document?

23. PAGE 33:10 TO 34:05 (RUNNING 00:00:56.729)

10 A. Well, as I said, the final
11 decisionmaking authority happens to be the
12 CEO, to my understanding. But if you're
13 asking as to anybody else who might be
14 included as part of the approval chain, if
15 you will, sometimes it could be just one
16 person, the head of the export arm of the
17 company. He might basically approve a
18 certain idea and pass it up to the CEO, or
19 there might be an actual hands-on person
20 involved somewhere. You know, what I'm
21 thinking is, depending on the case, there
22 could be three levels, five levels
23 involved.
24 And I think the best way -- the
25 proper way to answer this is, essentially,
00034:01
02 everybody who was -- who had a role in the
03 respective, say, approval instance would

KoreanNoodles

04 be found on such a document. I think
05 that's the right way to put it.

24. PAGE 36:15 TO 36:20 (RUNNING 00:00:12.207)

15 Q. Mr. Lee, I'm going to show you
16 what's been labeled as Exhibit 121.
17 I'd ask you to take a moment to
18 look at it, and when you have had a
19 moment, let me know, and I've got a couple
20 of questions for you about it.

25. PAGE 46:04 TO 46:06 (RUNNING 00:00:08.698)

04 Q. Do you see the series of boxes
05 that is at the top right-hand side of the
06 page?

26. PAGE 46:07 TO 46:07 (RUNNING 00:00:01.705)

07 A. Yes.

27. PAGE 46:08 TO 46:08 (RUNNING 00:00:01.759)

08 Q. Can you tell me what those are.

28. PAGE 46:09 TO 46:13 (RUNNING 00:00:18.176)

09 A. Certainly. Now, at this moment,
10 I fail to recall each individual's
11 respective, say, title at that time. But
12 essentially, these were bosses under whom
13 I was serving at that time.

29. PAGE 46:14 TO 46:14 (RUNNING 00:00:05.402)

14 Q. Are these personal seals?

30. PAGE 46:15 TO 46:17 (RUNNING 00:00:13.239)

15 A. Indeed. I understand these to
16 be each person's respective
17 company-related chop.

31. PAGE 46:18 TO 46:19 (RUNNING 00:00:13.291)

18 Q. Okay. So what is the -- what is
19 the title of the first box on the left?

32. PAGE 46:20 TO 46:20 (RUNNING 00:00:02.361)

20 A. "Inception."

33. PAGE 46:23 TO 46:24 (RUNNING 00:00:07.471)

23 Is that the business-related
24 chop that you were using in April of 2008?

34. PAGE 46:25 TO 47:02 (RUNNING 00:00:04.717)

25 A. Yes. That is how I recall
00047:01
02 things.

35. PAGE 47:03 TO 47:04 (RUNNING 00:00:03.508)

03 Q. And what is the title of the
04 next box to the right?

36. PAGE 47:05 TO 47:05 (RUNNING 00:00:02.300)

05 A. "Review."

KoreanNoodles

37. PAGE 47:06 TO 47:07 (RUNNING 00:00:07.802)

06 Q. Do you know -- do you know whose
07 company-related chop is underneath that?

38. PAGE 47:10 TO 47:10 (RUNNING 00:00:01.938)

10 A. Yes, I do.

39. PAGE 47:11 TO 47:11 (RUNNING 00:00:01.466)

11 Q. And whose is it?

40. PAGE 47:12 TO 47:12 (RUNNING 00:00:05.500)

12 A. It reads "Hyun Sung Kim."

41. PAGE 47:13 TO 47:14 (RUNNING 00:00:05.545)

13 Q. And do you recall what position
14 Mr. Kim had in April of 2008?

42. PAGE 47:15 TO 47:15 (RUNNING 00:00:04.791)

15 A. I do not exactly recollect.

43. PAGE 48:13 TO 48:14 (RUNNING 00:00:03.136)

13 Q. Okay. What is the title of the
14 third box from the left?

44. PAGE 48:15 TO 48:15 (RUNNING 00:00:01.488)

15 A. "Review."

45. PAGE 48:16 TO 48:18 (RUNNING 00:00:06.219)

16 Q. And do you recognize the
17 business-related chop in the box below
18 that?

46. PAGE 48:19 TO 48:19 (RUNNING 00:00:02.590)

19 A. Yes. I can tell. Yeah.

47. PAGE 48:20 TO 48:20 (RUNNING 00:00:01.032)

20 Q. And whose is it?

48. PAGE 48:21 TO 48:21 (RUNNING 00:00:01.975)

21 A. Doo Ha Hong.

49. PAGE 48:22 TO 48:23 (RUNNING 00:00:08.413)

22 Q. Do you recall what position Doo
23 Ha Hong had in April of 2008?

50. PAGE 48:24 TO 49:02 (RUNNING 00:00:12.112)

24 A. I would believe he was then
25 serving as the overall person in charge of
00049:01
02 all of export.

51. PAGE 49:03 TO 49:04 (RUNNING 00:00:04.013)

03 Q. Okay. And what is the title of
04 the box on the far right?

52. PAGE 49:05 TO 49:05 (RUNNING 00:00:02.412)

05 A. "Approve."

KoreanNoodles

53. PAGE 49:06 TO 49:08 (RUNNING 00:00:02.797)

06 Q. And who --
 07 THE INTERPRETER: Strike. Let's
 08 go with "Approval."

54. PAGE 49:09 TO 49:11 (RUNNING 00:00:04.603)

09 Q. Okay. Do you recognize the
 10 business-related chop that is underneath
 11 that title?

55. PAGE 49:12 TO 49:12 (RUNNING 00:00:02.168)

12 A. Yes. I can tell.

56. PAGE 49:13 TO 49:14 (RUNNING 00:00:02.590)

13 Q. And whose business-related chop
 14 is that?

57. PAGE 49:15 TO 49:15 (RUNNING 00:00:01.814)

15 A. It's Joon Park.

58. PAGE 49:16 TO 49:17 (RUNNING 00:00:04.583)

16 Q. And do you recall what position
 17 Joon Park held in April of 2008?

59. PAGE 49:20 TO 49:24 (RUNNING 00:00:26.089)

20 A. In part, I recall that he was
 21 probably in charge of all of international
 22 or overseas sales. But I don't know what
 23 else he may have also been charged with
 24 handling in addition. And by that, I'm

60. PAGE 49:25 TO 50:11 (RUNNING 00:00:34.646)

25 talking about how this time period is a
 00050:01
 02 certain time period during which there
 03 were already these overseas-located
 04 entities.
 05 And so I think I'm generally
 06 correct about this gentleman being in
 07 charge of exports in an overall sense.
 08 But as to what else and to what extent he
 09 may have any other -- have had any other
 10 responsibilities, that is not entirely
 11 clear to me at this time.

61. PAGE 50:12 TO 50:13 (RUNNING 00:00:07.279)

12 Q. Okay. Do you see the text lower
 13 down beside the Arabic Numeral 1?

62. PAGE 50:14 TO 50:14 (RUNNING 00:00:02.201)

14 A. Oh, yes. I see that.

63. PAGE 50:15 TO 50:16 (RUNNING 00:00:05.905)

15 Q. What does that text immediately
 16 to the right of the Arabic Numeral 1 say?

64. PAGE 50:17 TO 50:18 (RUNNING 00:00:03.409)

17 A. You're asking me to read aloud?
 18 Is that --

KoreanNoodles

65. PAGE 50:19 TO 50:21 (RUNNING 00:00:04.732)

19 Q. Just -- yes. Just for now,
20 immediately what is to the right of the
21 Arabic numeral, that line?

66. PAGE 50:24 TO 50:24 (RUNNING 00:00:09.013)

24 A. "Causes as to price increase."

67. PAGE 50:25 TO 51:06 (RUNNING 00:00:09.605)

25 Q. Okay. And what is the text in
00051:01
02 the first -- I don't know whether you
03 would call it a bullet. But it's a dash
04 here.
05 What is the text on the first
06 dash?

68. PAGE 51:07 TO 51:09 (RUNNING 00:00:04.474)

07 A. You want me to read it aloud, do
08 you mean?
09 Q. Yes, please.

69. PAGE 51:10 TO 51:13 (RUNNING 00:00:29.926)

10 A. So it reads -- dash or hyphen --
11 whatever -- "Increase as to domestic
12 product price: Average of 11.3 percent
13 (increased or raised February 20th)."

70. PAGE 51:14 TO 51:16 (RUNNING 00:00:04.605)

14 Q. Okay. And what is the text
15 after the second bullet or dash or
16 whatever?

71. PAGE 51:17 TO 51:23 (RUNNING 00:00:37.521)

17 A. So it reads "Rise in cost of raw
18 materials:"
19 Then on the next line, it says,
20 "Flour 50 percent" with an upward facing
21 arrow, "Palm oil, 94" arrow facing
22 upwards, "Rice brand oil, 55 percent,"
23 arrow facing upward "(newspaper sources)."

72. PAGE 51:24 TO 52:03 (RUNNING 00:00:15.891)

24 Q. So is the import of the
25 parenthetical there that the percentage
00052:01
02 increases that are shown are based on
03 what's been reported in the newspaper?

73. PAGE 52:04 TO 52:05 (RUNNING 00:00:12.712)

04 A. It would appear that the gist
05 there was based upon newspaper material.

74. PAGE 157:04 TO 157:10 (RUNNING 00:00:25.419)

04 Q. During the time that you were
05 working on planning for Nongshim America,
06 do you recall whether there was any effort
07 to harmonize prices for your Ramen
08 products between those that were
09 manufactured in the United States and
10 those manufactured in Korea?

KoreanNoodles

75. PAGE 157:24 TO 158:02 (RUNNING 00:00:09.661)

24 A. Perhaps it's unclear to me as to
25 what is exactly meant by "to harmonize
00158:01
02 prices" in that regard.

76. PAGE 158:03 TO 158:07 (RUNNING 00:00:17.838)

03 Q. To reduce the disparity which
04 otherwise might exist between the prices
05 for various Ramen products that might
06 exist as a result of cost differences
07 between importation and local production.

77. PAGE 158:11 TO 160:13 (RUNNING 00:02:54.795)

11 A. So you're asking in terms of
12 products from Korea. But basically, it's
13 more like this: As a matter of principle,
14 that which you bring in from Korea ought
15 to result in there being a profit, that
16 the sale be profitable, from Korea's
17 perspective.
18 And we're not talking about
19 manufacturing profits. We're talking
20 about, at the end of the day, how there,
21 as a matter of principle, ought to be
22 ordinary income.
23 Now, that said, depending on how
24 the practices actually go, things can be
25 all different.

00159:01
02 For instance, the following is
03 possible: When you talk about Sabal-myun,
04 a bowled product, there are various
05 varieties as to Sabal-myun, different
06 flavors, whether this one versus that one
07 and yet another one. The costs are all
08 different for these guys.

09 And so though they all have
10 different manufacturing costs, as such,
11 let's say -- you will recall that for
12 certain items that don't sell too much in
13 the U.S., they -- Nongshim America sources
14 those types of products from Korea; right?

15 So let's say the U.S. produces
16 certain things locally. And so we're
17 selling five items. Four of them are U.S.
18 made. One is from Korea. They all have
19 different cost structures now.

20 But to sell this, actually, you
21 want to basically have them all priced at
22 the same level, as a practical matter.

23 The reason is because even
24 though they're all the same, they have
25 different ingredients; and yet if you

00160:01
02 price them at \$5 here, \$6 there, then you
03 don't -- this is not considered a
04 strategic pricing policy in view of the
05 consumers out there. Okay?

06 And so sometimes that is done.
07 Yes. But that's not because the one was
08 manufactured in Korea and so forth. It's
09 really because if they are of the same
10 specification, and yet the manufacturing

KoreanNoodles

11 costs are all different, the thing is you
12 still want to coincide all the pricing as
13 a matter of pricing practices.

78. PAGE 160:19 TO 160:24 (RUNNING 00:00:20.592)

19 A. And so, yeah. My point was not
20 that this isn't because the goods are,
21 let's say, from Korea. You know, if it's
22 from Korea, then depending on the case,
23 there could be more profit. There could
24 be less profit. So --

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:16:44.394)

COURT EXHIBIT 19b

Case Clip(s) Detailed Report

Jae Chan Lee

Monday, November 26, 2018, 10:09:13 AM

Case Clip(s) Detailed Report
Monday, November 26, 2018, 10:09:13 AM

Jae Chan Lee

Lee, Jae C. (Vol. 01) - 03/30/2016

2 CLIPS (RUNNING 00:05:17.075)

So what I'm trying to understand ...

JL-0330-0007923

4 SEGMENTS (RUNNING 00:04:14.646)



1. PAGE 79:23 TO 80:05 (RUNNING 00:00:27.849)

23 Q. So what I'm trying to understand
24 is how a approved price increase proposal
25 like the one that we see in Exhibit 121
00080:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 would be translated into a actual increase
03 in prices charged to your customer in the
04 North American market.
05 What steps had to be taken?

2. PAGE 80:06 TO 82:13 (RUNNING 00:02:43.446)

06 A. So as I indicated previously,
07 first of all, this particular item was not
08 with respect to any particular region.
09 This was for all exports, in an overall
10 sense, to come up with a particular
11 guideline.
12 Now, the U.S., for its purposes,
13 will have had its own existing price list.
14 And the idea, of course, is to compare
15 that against the guideline as per this.
16 And whereas the guideline sets forth an
17 increase of 7.1 percent on average, when
18 they make that comparison, basically, when
19 they apply the 7.1 percent, because of the
20 amount below the decimal point, sometimes
21 you don't get a crisp sort of price
22 figure.
23 Therefore, you tend to round
24 things up either by \$0.05, \$0.10, or
25 \$0.50, whatever. So the idea is that in
00081:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 comparison to the stated 7.1 percentage
03 point, sometimes they might have to -- and
04 sometimes they might end up going over
05 that. Sometimes they might -- going lower
06 than that, after adjustment.
07 Anyhow, so they have their price
08 list. And once we make the suggestion to
09 them, to Nongshim America, it is almost
10 never the case that they just accept that
11 as is and implement right away.
12 And I say that because though
13 they are a related company, the fact still
14 remains that they are a purchaser of
15 product from us. And what that means is
16 it requires a sort of a meeting of minds.
17 They need to accept and agree to what,
18 let's say, we're saying from here.
19 Same thing with the domestic
20 side of things. You don't just get to,
21 say, take unilateral action just because
22 you're the seller. You kind of need to
23 have the buyer's agreement to a certain
24 extent.

Case Clip(s) Detailed Report
Monday, November 26, 2018, 10:09:13 AM

Jae Chan Lee

25 And that's the way things go
00082:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 even in the U.S. context. For instance,
03 if they agree -- if the distribution
04 channels don't agree, you might be looking
05 at a long, drawn-out protracted, say,
06 battle of wills.
07 So similarly, in the U.S.
08 context, say you offer this. It's going
09 to be some time before they actually
10 accept it and, indeed, before there's
11 actual implementation. There's going to
12 be some coordination required in the
13 meantime.

3. PAGE 84:10 TO 84:17 (RUNNING 00:00:46.032)

10 Q. Okay. In 2008, when you were
11 handling Nongshim Korea's sales to the
12 U.S. market, do you recall whether you
13 engaged in a process with employees of
14 Nongshim America to implement some sort of
15 price increase for Ramen noodle products
16 resulting from the approval of price
17 increase that we see in Exhibit 121?

4. PAGE 84:21 TO 84:25 (RUNNING 00:00:17.319)

21 A. Well, I think -- well, I think I
22 would -- rather, I would believe that a
23 negotiation was probably conducted with
24 the folks at Nongshim America after --
25 once we made this suggestion to them.

Okay. When we were talking ...

JL-0330-0009002

2 SEGMENTS (RUNNING 00:01:02.429)



1. PAGE 90:02 TO 90:10 (RUNNING 00:00:38.717)

02 Q. Okay. When we were talking
03 earlier about the discussion that would
04 have occurred between Nongshim Korea and
05 Nongshim America to set the price list
06 after acceptance of the proposal and in
07 Exhibit 121, can you tell me whether the
08 price list that resulted from that
09 discussion required further signoff within
10 Nongshim Korea before it was finalized.

2. PAGE 91:04 TO 91:11 (RUNNING 00:00:23.712)

04 "Also I told you that that
05 serves as a guide; right? A
06 guideline. Now, as for any price
07 level that goes beyond said guideline
08 level, that is something that gets
09 decided by way of a negotiation
10 between the team and the customer,
11 based upon a discussion."

TOTAL: 2 CLIPS FROM 1 DEPOSITIONS (RUNNING 00:05:17.075)

COURT EXHIBIT 20a

KoreanNoodles

Lee, Young Hoon (Vol. 01) - 03/30/2016**1 CLIP (RUNNING 00:20:38.144)****LEEYOUNG-0330****110 SEGMENTS (RUNNING 00:20:38.144)****1. PAGE 10:01 TO 10:06 (RUNNING 00:00:18.073)**

00010:01 AERYONG KIM,
02 was duly sworn to act as English/Korean interpreter.
03
04 YOUNG LEE,
05 having been first duly sworn, was examined and
06 testified as follows:

2. PAGE 11:15 TO 11:16 (RUNNING 00:00:03.832)

15 Q All right. So you work currently at Nongshim
16 America, correct?

3. PAGE 11:17 TO 11:18 (RUNNING 00:00:03.199)

17 A Yes, that's correct.
18 Q Okay. And what is your role there?

4. PAGE 11:19 TO 11:21 (RUNNING 00:00:13.312)

19 A I am engaged in the sales of -- sales in the
20 region of the U.S. western district.
21 Q Okay. And what is your formal job title?

5. PAGE 11:22 TO 11:24 (RUNNING 00:00:11.457)

22 A My formal job title is general manager for
23 the west coast region.
24 Q How many years have you held that title?

6. PAGE 11:25 TO 12:01 (RUNNING 00:00:06.526)

25 A I think it has been about four years now.
00012:01 Q Okay. And what was your title before that?

7. PAGE 12:02 TO 12:04 (RUNNING 00:00:12.484)

02 A I was the person in charge of the overall
03 sales.
04 Q And how many years did you have that title?

8. PAGE 12:05 TO 12:08 (RUNNING 00:00:10.405)

05 A I think I held that position for about five
06 years.
07 Q Okay. And did you have a position at
08 Nongshim America before that?

9. PAGE 12:09 TO 12:11 (RUNNING 00:00:09.622)

09 A Before that, I was just a manager.
10 Q So how many years altogether have you been
11 working for Nongshim America?

10. PAGE 12:12 TO 12:12 (RUNNING 00:00:03.616)

12 A 15 years.

11. PAGE 27:06 TO 27:08 (RUNNING 00:00:09.207)

06 Q On that note, how does the quality of

KoreanNoodles

07 Nongshim ramen compare to the quality of Nissin
08 ramen?

12. PAGE 27:11 TO 27:13 (RUNNING 00:00:06.592)

11 THE WITNESS: It's far better.
12 BY MR. LINKH:
13 Q Can you tell me how it's far better?

13. PAGE 27:14 TO 27:16 (RUNNING 00:00:28.691)

14 A Number one, we don't use MSG, and then we use
15 goo-quality flour. And as for the starch that's
16 used, we use good-quality starch. And as to other

14. PAGE 27:17 TO 27:19 (RUNNING 00:00:16.033)

17 flavor ingredients, we are directly engaged in
18 selection of those, which make a good quality of
19 product.

15. PAGE 27:20 TO 27:21 (RUNNING 00:00:04.284)

20 Q And how does the quality of Nongshim ramen
21 compare to the quality of Maruchan ramen?

16. PAGE 27:24 TO 28:05 (RUNNING 00:00:28.470)

24 THE WITNESS: Well, because one is made based
25 on a low cost, so it is hard to compare the
00028:01 qualities of the two.
02 BY MR. LINKH:
03 Q When you say "one is made based on a low
04 cost," do you mean that Maruchan ramen is made at a
05 lower cost than Nongshim ramen?

17. PAGE 28:06 TO 28:07 (RUNNING 00:00:09.625)

06 A Yes, I'm referring to Maruchan's ramen, which
07 targets its manufacturing on low cost.

18. PAGE 28:10 TO 28:12 (RUNNING 00:00:08.384)

10 Is Nongshim ramen more expensive than a
11 similar-sized package or bowl of Nissin ramen or
12 Maruchan ramen?

19. PAGE 28:14 TO 28:16 (RUNNING 00:00:18.221)

14 THE WITNESS: A high level ramen product of
15 Nissin and Maruchan are of the similar price range
16 as the price offered by Nongshim ramen.

20. PAGE 28:24 TO 28:25 (RUNNING 00:00:06.977)

24 Q Okay. Is Nongshim ramen's price at a premium
25 to either Nissin or Maruchan's ramen?

21. PAGE 29:03 TO 29:04 (RUNNING 00:00:11.720)

03 THE WITNESS: The price level is similar to a
04 premium brand product of Nissin and Maruchan.

22. PAGE 29:21 TO 29:22 (RUNNING 00:00:08.653)

21 All right, Mr. Lee. I'm going to eventually
22 have you handed Exhibit 1007.

23. PAGE 29:25 TO 29:25 (RUNNING 00:00:02.535)

25 THE WITNESS: Yes.

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24. PAGE 30:06 TO 30:08 (RUNNING 00:00:13.790)

06 Q And can I point you to page 3 of the
07 document. And there's a page number at the bottom
08 right-hand corner. You can see that.

25. PAGE 30:09 TO 30:10 (RUNNING 00:00:09.633)

09 And do you see the first -- it's not exactly
10 a bullet point, but it -- starting with "Currently"?

26. PAGE 30:11 TO 30:11 (RUNNING 00:00:02.626)

11 A Yes.

27. PAGE 30:12 TO 30:21 (RUNNING 00:00:18.127)

12 Q And the second sentence says:
13 "However, Nong Shim's products
14 have the great potential to further
15 penetrate the market because of
16 their premium quality compared to
17 the competitors' low priced
18 products, as well as the larger
19 serving size as compared to the
20 widely-distributed noodle cup in
21 competitive product lines."

28. PAGE 30:22 TO 30:24 (RUNNING 00:00:04.554)

22 A Yes.
23 Q Actually, I'm getting a little bit ahead of
24 myself.

29. PAGE 30:25 TO 30:25 (RUNNING 00:00:02.189)

25 Are you familiar with the -- this document?

30. PAGE 31:01 TO 31:03 (RUNNING 00:00:04.148)

00031:01 A Yes.
02 Q Okay. Did you have any role in creating this
03 document?

31. PAGE 31:04 TO 31:05 (RUNNING 00:00:08.131)

04 A As to this document, I think I prepared it.
05 Q For what purpose did you prepare it?

32. PAGE 31:06 TO 31:08 (RUNNING 00:00:13.566)

06 A I think in the 2004 time frame, this was
07 prepared at the time we were establishing our
08 business plans.

33. PAGE 31:17 TO 31:18 (RUNNING 00:00:05.767)

17 Q Where it says "premium quality compared to
18 the competitors' low priced products," can you tell

34. PAGE 31:19 TO 31:19 (RUNNING 00:00:01.441)

19 me what that means?

35. PAGE 31:20 TO 32:02 (RUNNING 00:00:32.062)

20 A Like I explained earlier, the major products
21 made by Nissin and Maruchan are low-cost-based
22 products. So what this particular phrase is
23 referring to is that as compared to those types of
24 products by those companies, our product is of
25 better quality and of better price.
00032:01 Q When you say "better price," what do you mean

KoreanNoodles

02 by that?

36. PAGE 32:03 TO 32:04 (RUNNING 00:00:14.168)

03 A By that, I mean a more expensive price.
04 Q Okay. Is that still true today?

37. PAGE 32:05 TO 32:05 (RUNNING 00:00:02.719)

05 A It is still true today.

38. PAGE 37:12 TO 37:13 (RUNNING 00:00:06.555)

12 Q Does Nongshim ramen taste different from
13 Nissin ramen or Maruchan ramen?

39. PAGE 37:16 TO 37:21 (RUNNING 00:00:21.691)

16 THE WITNESS: Just like taste for all
17 hamburgers different from each other, likewise for
18 ramens, as well.
19 BY MR. LINKH:
20 Q Does -- does Nongshim ramen have a different
21 flavor than Nissin -- Nissin ramen?

40. PAGE 37:23 TO 37:25 (RUNNING 00:00:05.990)

23 THE WITNESS: It is different.
24 BY MR. LINKH:
25 Q Can you describe the differences?

41. PAGE 38:02 TO 38:08 (RUNNING 00:00:32.289)

02 THE WITNESS: Our major product -- we can say
03 Shin ramen would be our major product. It is
04 spice -- it has a hot -- hot taste, and that is a
05 representative product made by us.
06 BY MR. LINKH:
07 Q So Shin ramen has a hotter taste or flavor
08 compared to Nissin ramen?

42. PAGE 38:11 TO 38:15 (RUNNING 00:00:09.642)

11 THE WITNESS: It would be fair to put it that
12 way.
13 BY MR. LINKH:
14 Q Does Shin ramen have a hotter taste or flavor
15 than Maruchan ramen?

43. PAGE 38:18 TO 38:19 (RUNNING 00:00:03.502)

18 THE WITNESS: It would be fair to put it that
19 way.

44. PAGE 48:21 TO 48:21 (RUNNING 00:00:03.411)

21 Q All right. Turning back to page 5, which

45. PAGE 48:22 TO 49:04 (RUNNING 00:00:33.294)

22 you're looking at right now, the second name you
23 mentioned, Mr. Hee Sup Nam, does he also go by the
24 name Harrison Nam?
25 A Yes.
00049:01 Q Does he still work at Nongshim America?
02 A No, he does not.
03 Q Okay. Do you know when he stopped working at
04 Nongshim America?

46. PAGE 49:13 TO 49:13 (RUNNING 00:00:02.511)

13 MR. LINKH: Do you want me to re- --

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47. PAGE 49:16 TO 49:17 (RUNNING 00:00:05.866)

16 Q Do you know when Mr. Nam stopped working at
17 Nongshim America?

48. PAGE 49:19 TO 49:19 (RUNNING 00:00:04.797)

19 THE WITNESS: I think maybe 2008 or 2009.

49. PAGE 84:19 TO 84:21 (RUNNING 00:00:13.411)

19 Q When Nongshim America sells products that
20 were manufactured in Korea, does Nongshim America
21 purchase those products from Nongshim Korea?

50. PAGE 84:22 TO 84:24 (RUNNING 00:00:08.987)

22 A Yes.
23 Q And when Nongshim America purchases those
24 products, does it pay the factory price?

51. PAGE 85:02 TO 85:02 (RUNNING 00:00:00.996)

02 THE WITNESS: No.

52. PAGE 85:04 TO 85:05 (RUNNING 00:00:07.261)

04 Q Okay. What price does Nongshim America pay
05 for products that were manufactured in Korea?

53. PAGE 85:06 TO 85:08 (RUNNING 00:00:06.473)

06 A Export price.
07 Q Okay. How does an export price differ from a
08 factory price?

54. PAGE 85:11 TO 85:11 (RUNNING 00:00:01.163)

11 THE WITNESS: I don't know for sure.

55. PAGE 85:13 TO 85:14 (RUNNING 00:00:06.575)

13 Q Okay. Is the export price something that is
14 quoted to you by Nongshim Korea?

56. PAGE 85:15 TO 85:18 (RUNNING 00:00:13.070)

15 A Yes, that's correct.
16 Q Does Nongshim Korea ever negotiate with
17 Nongshim America or vice versa over the export
18 price?

57. PAGE 85:19 TO 85:23 (RUNNING 00:00:24.693)

19 A Yes, such negotiation is done, generally
20 speaking.
21 Q On average, do you have an estimate about how
22 much such negotiations can reduce the original
23 export price?

58. PAGE 85:25 TO 86:01 (RUNNING 00:00:08.104)

25 THE WITNESS: I think that will vary
00086:01 depending on the case.

59. PAGE 86:03 TO 86:05 (RUNNING 00:00:05.551)

03 Q Could such negotiations ever reduce the
04 original quoted export price by more than
05 20 percent?

60. PAGE 86:07 TO 86:07 (RUNNING 00:00:03.997)

07 THE WITNESS: Not as much as 20 percent.

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61. PAGE 86:09 TO 86:10 (RUNNING 00:00:05.354)

09 Q Could negotiations ever reduce the original
10 quoted export price by more than 5 percent?

62. PAGE 86:12 TO 86:12 (RUNNING 00:00:02.933)

12 THE WITNESS: I don't quite recall.

63. PAGE 86:14 TO 86:16 (RUNNING 00:00:04.133)

14 Q Okay. Could -- could negotiations ever
15 reduce the original quoted export price by more than
16 10 percent?

64. PAGE 86:18 TO 86:19 (RUNNING 00:00:02.105)

18 THE WITNESS: Not that I can precisely
19 recall.

65. PAGE 86:21 TO 86:23 (RUNNING 00:00:10.781)

21 Q Okay. So is it safe to say that negotiations
22 would never reduce the original quoted export price
23 by more than 10 percent?

66. PAGE 87:01 TO 87:01 (RUNNING 00:00:02.793)

00087:01 THE WITNESS: I think so.

67. PAGE 87:03 TO 87:04 (RUNNING 00:00:06.817)

03 Q What kind of factors might influence the
04 successfulness of a negotiation?

68. PAGE 87:06 TO 87:07 (RUNNING 00:00:08.344)

06 THE WITNESS: The biggest factor would be
07 currency exchange rate.

69. PAGE 87:24 TO 88:02 (RUNNING 00:00:19.829)

24 Would you able -- be able to get more
25 leverage in a negotiation if in the first instance,
00088:01 you could get a lot of won for \$1 or, in the second
02 instance, if you could get fewer won for \$1?

70. PAGE 88:11 TO 88:13 (RUNNING 00:00:15.986)

11 THE WITNESS: We'll be get- -- you'll be able
12 to get more leverage when the dollar is stronger --
13 actually, no. When the dollar is weak.

71. PAGE 88:15 TO 88:19 (RUNNING 00:00:11.473)

15 Q Okay.
16 A When the dollar value is weak.
17 Q Do you know what factors go into the
18 determination of the export price quoted by Nongshim
19 Korea?

72. PAGE 88:20 TO 88:20 (RUNNING 00:00:01.714)

20 A I don't know.

73. PAGE 89:04 TO 89:06 (RUNNING 00:00:15.505)

04 Q Does Nongshim Korea ever break down the
05 export price by cost of goods sold or manufacturing
06 costs or profit or other components like that?

74. PAGE 89:07 TO 89:11 (RUNNING 00:00:20.419)

07 A Although it -- it does not actually provide

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08 such itemization, as I can recall, it used to
09 provide the overall reasons of the price increase.
10 Q Okay. And can you give me some examples
11 about what those reasons would be?

75. PAGE 89:12 TO 89:16 (RUNNING 00:00:30.691)

12 A For instance, if the gas fuel price increases
13 worldwide, then that will be one of the reasons. If
14 the raw material costs, such as oil or flour prices
15 increase, that will actually have -- play into
16 factors.

76. PAGE 89:12 TO 89:19 (RUNNING 00:00:48.442)

12 A For instance, if the gas fuel price increases
13 worldwide, then that will be one of the reasons. If
14 the raw material costs, such as oil or flour prices
15 increase, that will actually have -- play into
16 factors.
17 Q Do you know for Nongshim Korea or for -- for
18 products manufactured in Nongshim Korea where
19 Nongshim Korea gets its flour?

77. PAGE 89:20 TO 89:23 (RUNNING 00:00:16.035)

20 A From local companies.
21 Q And is the flour for those products
22 manufactured in Korea grown from wheat that is grown
23 in Korea?

78. PAGE 89:25 TO 90:01 (RUNNING 00:00:07.765)

25 THE WITNESS: It's my understanding that
00090:01 mostly, those are imported.

79. PAGE 90:03 TO 90:05 (RUNNING 00:00:15.136)

03 Q And do you know where the wheat that
04 constitutes the flour for products that are made in
05 Korea comes from?

80. PAGE 90:06 TO 90:09 (RUNNING 00:00:21.754)

06 A For the most part, I understand they come
07 from Australia and the U.S.
08 Q Does any flour come from wheat grown in
09 Korea?

81. PAGE 90:12 TO 90:12 (RUNNING 00:00:01.353)

12 THE WITNESS: I don't know.

82. PAGE 90:14 TO 90:16 (RUNNING 00:00:16.336)

14 Q Okay. Does Nongshim Korea ever provide a
15 figure explaining the amount of profit that it will
16 make that part of the export price?

83. PAGE 90:19 TO 90:23 (RUNNING 00:00:11.737)

19 THE WITNESS: I don't think he ever did.
20 MR. LINKH: Okay.
21 THE REPORTER: "I don't think" what?
22 THE INTERPRETER: "It" -- "it ever did."
23 Nongshim Korea, "it." Yeah.

84. PAGE 90:25 TO 91:01 (RUNNING 00:00:03.207)

25 Q Is value-added tax ever included in the
00091:01 export price?

KoreanNoodles

85. PAGE 91:02 TO 91:05 (RUNNING 00:00:13.051)

02 A To my understanding, value-added tax is not
03 included in it.
04 Q Are shipping costs ever included in the
05 export price?

86. PAGE 91:06 TO 91:07 (RUNNING 00:00:09.540)

06 A It's my understanding that a shipping price
07 was separately calculated.

87. PAGE 91:19 TO 91:22 (RUNNING 00:00:09.077)

19 Q Okay. And when you said "cost," does cost
20 include things like value-added tax and the cost to
21 actually ship the stuff from Korea to the United
22 States?

88. PAGE 91:23 TO 91:23 (RUNNING 00:00:01.051)

23 A No.

89. PAGE 91:24 TO 91:24 (RUNNING 00:00:03.167)

24 Q What do you consider costs to mean?

90. PAGE 91:25 TO 92:02 (RUNNING 00:00:32.010)

25 A Ocean freight, the freight cost paid to the
00092:01 shipping company, and -- and tax would be included,
02 and customs clearance fee and delivery cost.

91. PAGE 92:03 TO 92:04 (RUNNING 00:00:04.001)

03 Q You also mentioned other operating expenses.
04 Can you tell me what those might be?

92. PAGE 92:05 TO 92:07 (RUNNING 00:00:23.023)

05 A Cost involved in maintaining the office space
06 and labor costs for the manpower working in the
07 sales and management fields and things like that.

93. PAGE 92:08 TO 92:08 (RUNNING 00:00:02.601)

08 Q And can you tell me how you calculate profit.

94. PAGE 92:09 TO 92:12 (RUNNING 00:00:24.596)

09 A Profit is generated by adding 3 to 5 percent
10 on top of all those various costs.
11 Q Can you tell me how profit varies from 3 to
12 5 percent, what factors might go into that?

95. PAGE 92:13 TO 92:16 (RUNNING 00:00:16.371)

13 A That is our target profit that we pursued to
14 earn.
15 Q Does it differ depending on the type of
16 product purchased?

96. PAGE 92:17 TO 92:19 (RUNNING 00:00:11.746)

17 A It slightly varies per each product.
18 Q Are there certain products which command more
19 of a profit than other products?

97. PAGE 92:20 TO 92:20 (RUNNING 00:00:04.839)

20 A No, that's not the case.

KoreanNoodles

98. PAGE 93:07 TO 93:08 (RUNNING 00:00:10.096)

07 Q When I was using the term "profit," what do
08 you take that term to refer -- to mean?

99. PAGE 93:09 TO 93:09 (RUNNING 00:00:07.712)

09 A I take that to mean gross profit.

100. PAGE 93:10 TO 93:12 (RUNNING 00:00:09.305)

10 Q Okay. And when you say "gross profit,"
11 that's different from net profit?
12 A Yeah, it is different.

101. PAGE 93:13 TO 93:14 (RUNNING 00:00:04.865)

13 Q Can you tell me what -- what would constitute
14 net profit for Nongshim America?

102. PAGE 93:19 TO 93:21 (RUNNING 00:00:11.582)

19 THE WITNESS: When we say "net profit," we
20 mean before tax figure. That includes sales
21 expenses.

103. PAGE 93:23 TO 93:23 (RUNNING 00:00:02.282)

23 Q And how would that differ from gross profit?

104. PAGE 93:24 TO 94:03 (RUNNING 00:00:35.761)

24 A When we say "gross profit," we refer to
25 profit that is earned immediately from COGS. And
00094:01 when we say "net profit," net profit is a profit
02 that is a gross profit less general expenses and
03 sales expenses deducted.

105. PAGE 94:05 TO 94:06 (RUNNING 00:00:02.536)

05 THE INTERPRETER: COGS, cost of goods sold,
06 yeah.

106. PAGE 94:08 TO 94:10 (RUNNING 00:00:20.159)

08 Q And when you were referring to the profit in
09 the 3 to 5 percent, were you referring to gross
10 profit or net profit?

107. PAGE 94:11 TO 94:11 (RUNNING 00:00:01.095)

11 A Net profit.

108. PAGE 99:01 TO 99:04 (RUNNING 00:00:17.712)

00099:01 Q And how do you get to the -- can you just
02 briefly explain to me how you get to the price that
03 you sell to customers from the export price. Can
04 you just walk me through that a little bit.

109. PAGE 99:05 TO 99:07 (RUNNING 00:00:04.673)

05 MR. GRASSER: And just to clarify, by
06 customers, you mean direct customers?
07 MR. LINKH: Correct, yes.

110. PAGE 99:08 TO 99:12 (RUNNING 00:00:39.983)

08 THE WITNESS: On top of the export price,
09 logistics-related costs would be added on to it and
10 then duty fees and custom clearance fees. And on
11 top of all those, approximately 20 percent margin is
12 added to arrive at the sales price.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:20:38.144)

KoreanNoodles

Lee, Young Hoon (Vol. 02) - 03/31/2016

1 CLIP (RUNNING 00:18:22.897)

LEEYOUNG-0331

96 SEGMENTS (RUNNING 00:18:22.897)



1. PAGE 159:08 TO 159:10 (RUNNING 00:00:05.866)

08 I'm going to introduce another exhibit. I
09 think we're at Exhibit Number 1010; is that correct?
10 Okay.

2. PAGE 160:12 TO 160:13 (RUNNING 00:00:06.750)

12 Q Mr. Lee, do you see a quote from you
13 mentioned on that -- on that article?

3. PAGE 160:14 TO 160:15 (RUNNING 00:00:04.276)

14 A Yes, I do.
15 Q Yeah. Can you just read that for me, please.

4. PAGE 161:18 TO 161:25 (RUNNING 00:00:31.112)

18 THE WITNESS: "Manager named
19 Yong-hoon Lee of Nongshim America
20 stated that prices of ramen import
21 product in Korea have increased
22 6.5 percent on average and,
23 therefore, we have decided to
24 increase the prices for ramen by
25 8 to 9 percent beginning in April."

5. PAGE 162:02 TO 162:04 (RUNNING 00:00:10.707)

02 Q Do you recall speaking with anybody at The
03 Korea Times in February of 2004 about price
04 increases of Nongshim America products?

6. PAGE 162:05 TO 162:09 (RUNNING 00:00:13.185)

05 A No, I do not.
06 Q Do you have any reason to believe that you
07 didn't speak with a reporter in around February of
08 2004 concerning the information stated in the
09 article?

7. PAGE 162:10 TO 162:13 (RUNNING 00:00:08.462)

10 A No.
11 Q Is there any reason to believe that this
12 quote was inaccurately attributed to you by The
13 Korea Times?

8. PAGE 162:14 TO 162:14 (RUNNING 00:00:02.015)

14 A No, there is not.

9. PAGE 168:20 TO 168:20 (RUNNING 00:00:07.668)

20 MR. LINKH: I'm going to introduce Exhibit

10. PAGE 168:21 TO 168:22 (RUNNING 00:00:07.491)

21 1012, and this is a document Bates-numbered
22 NSA0190674.

KoreanNoodles

11. PAGE 169:10 TO 169:11 (RUNNING 00:00:04.867)

10 Q Okay. And is this also a similar price
11 increase notice that was sent out to customers?

12. PAGE 169:13 TO 169:14 (RUNNING 00:00:06.095)

13 THE WITNESS: Yes, it would be fair to put it
14 that way.

13. PAGE 170:01 TO 170:02 (RUNNING 00:00:03.926)

00170:01 Q Did you have any role in the drafting of this
02 document?

14. PAGE 170:03 TO 170:05 (RUNNING 00:00:11.125)

03 A Although I don't have the specific
04 recollection at the moment, I think I would have had
05 some role.

15. PAGE 170:09 TO 170:17 (RUNNING 00:00:25.968)

09 Q Do you see the --
10 A In it.
11 Q -- fourth paragraph? It states:
12 "From the continuous of a rise in
13 petroleum and infuriation of
14 economic has made our Nong Shim
15 America's production cost increased.
16 Therefore we are forced to increase
17 our price."

16. PAGE 170:18 TO 170:19 (RUNNING 00:00:02.949)

18 Do you know what infuriation of economic
19 means?

17. PAGE 170:20 TO 170:21 (RUNNING 00:00:16.124)

20 A I think this was probably intended to be
21 inflation, not infuriation.

18. PAGE 171:03 TO 171:04 (RUNNING 00:00:04.254)

03 Q And this document is dated March 14, 2007,
04 correct?

19. PAGE 171:05 TO 171:10 (RUNNING 00:00:17.426)

05 A Yes --
06 Q Okay.
07 A -- that's correct.
08 Q And do you -- do you know who decided to
09 include those reasons for the price increase in that
10 paragraph?

20. PAGE 171:13 TO 171:14 (RUNNING 00:00:07.470)

13 THE WITNESS: Mostly, this type of decisions
14 are made by myself.

21. PAGE 171:20 TO 171:22 (RUNNING 00:00:05.655)

20 Q Okay. And where do you get this information
21 about, in this case, the rise of petroleum and
22 economic inflation?

22. PAGE 171:25 TO 172:03 (RUNNING 00:00:11.262)

25 THE WITNESS: That, I don't recall.
00172:01 BY MR. LINKH:
02 Q Were you the one at Nongshim America that had

KoreanNoodles

03 the ultimate decision about making price increases?

23. PAGE 172:05 TO 172:08 (RUNNING 00:00:08.003)

05 THE WITNESS: Yes.

06 BY MR. LINKH:

07 Q Okay. Did you do that in consultation with
08 President Hong in 2007?

24. PAGE 172:09 TO 172:11 (RUNNING 00:00:09.577)

09 A Although I don't have the recollection at the
10 moment, I think I would have consulted that with
11 him.

25. PAGE 172:19 TO 172:20 (RUNNING 00:00:07.821)

19 Did you make a decision to increase prices in
20 consultation with anyone at Nongshim Korea in 2007?

26. PAGE 172:21 TO 172:22 (RUNNING 00:00:09.076)

21 A We do not make decisions in -- in
22 consultation with anyone in Korea.

27. PAGE 173:08 TO 173:09 (RUNNING 00:00:05.097)

08 Q And would you make those decisions in
09 consultation with others at Nongshim America?

28. PAGE 173:11 TO 173:19 (RUNNING 00:00:36.979)

11 THE WITNESS: If there were any subordinate
12 people working under me, I think I would have worked
13 along with them towards making decisions, but
14 nonetheless, I would have been the one who initiated
15 making those decisions.

16 BY MR. LINKH:

17 Q And if you were working with subordinates on
18 this issue, what kind of topics would you
19 communicate with them about?

29. PAGE 173:22 TO 174:03 (RUNNING 00:00:26.531)

22 THE WITNESS: In such a case, I would have
23 worked with them regarding creating basic data and
24 doing simulation work.

25 BY MR. LINKH:

00174:01 Q And when you say "creating basic data and
02 doing simulation work," can you just tell me a
03 little bit about what that means?

30. PAGE 174:04 TO 174:06 (RUNNING 00:00:17.121)

04 A When I say "basic data," I'm referring to
05 collecting or pulling out COGS information related
06 to our company's products from our internal system.

31. PAGE 174:07 TO 174:12 (RUNNING 00:00:28.075)

07 When I say simulation, I'm referring to
08 simulation job that calculates the overall net
09 profit the company would make in the event there is
10 a price increase per product.

11 Q When you refer to "our internal system," are
12 you referring to the ERP system?

32. PAGE 174:13 TO 174:21 (RUNNING 00:00:32.027)

13 A Yes, that's right.

14 Q And I think I'm getting in my mind how the
15 simulation works, but is -- is this one of these

KoreanNoodles

16 programs where you would plug in how many units you
 17 want to sell and plug in how much the units would
 18 cost to produce and then plug in the price that you
 19 would hope to get for these units, and then that
 20 would -- if you plug in all these inputs, that would
 21 give you a projected profit?

33. PAGE 174:24 TO 175:01 (RUNNING 00:00:11.864)

24 THE WITNESS: There will be the general
 25 format in which the simulation would be done, but
 00175:01 there is no program used.

34. PAGE 195:13 TO 195:14 (RUNNING 00:00:06.815)

13 You -- now, you worked at Nongshim America
 14 since 2001, correct?

35. PAGE 195:15 TO 195:17 (RUNNING 00:00:09.261)

15 A No, since 2000.
 16 Q Oh, since 2000. I'm sorry.
 17 Where did you work before 2000?

36. PAGE 195:18 TO 195:19 (RUNNING 00:00:06.439)

18 A I was in Korea.
 19 Q Did you ever work for Nongshim Korea?

37. PAGE 195:20 TO 195:21 (RUNNING 00:00:05.323)

20 A Yes, I did.
 21 Q How long were you employed in Nongshim Korea?

38. PAGE 195:22 TO 195:24 (RUNNING 00:00:16.290)

22 A From July 1991 to December 1999.
 23 Q And what were your roles when you were in
 24 Nongshim Korea?

39. PAGE 195:25 TO 196:03 (RUNNING 00:00:15.864)

25 A Right before I left the company in 1999, I
 00196:01 was engaged in planning.
 02 Q Did you work with Jun Rak Lee while you were
 03 in Nongshim Korea?

40. PAGE 196:04 TO 196:05 (RUNNING 00:00:15.083)

04 A I don't know who that is, Jun Rak Lee.
 05 Q J-u-n, R-a-k, L-e-e.

41. PAGE 196:06 TO 196:07 (RUNNING 00:00:08.054)

06 A This is the first time hearing that name.
 07 Q Okay. I may -- I may be confused.

42. PAGE 196:08 TO 196:09 (RUNNING 00:00:04.154)

08 When you say you were engaged in planning,
 09 can you tell me a little bit about what that means?

43. PAGE 196:10 TO 196:16 (RUNNING 00:00:40.514)

10 A Well, I did not partake any particular role
 11 then. And prior to that time point, I had been with
 12 a different team, and I had just returned. And at
 13 the time I returned back, I did not have -- have any
 14 position or role to carry out. So I knew a team
 15 named "Planning Team" was created to be engaged in
 16 doing export-related planning work.

KoreanNoodles

44. PAGE 197:03 TO 197:04 (RUNNING 00:00:09.662)

03 THE WITNESS: I was in the process of
04 preparing towards a planning job then.

45. PAGE 197:06 TO 197:07 (RUNNING 00:00:04.822)

06 Q Can you tell me what the planning team did
07 while you were on the planning team?

46. PAGE 197:08 TO 197:10 (RUNNING 00:00:08.523)

08 A I was the sole member of that team.
09 Q Oh, okay. So I won't ask you who else was on
10 that team.

47. PAGE 197:11 TO 197:16 (RUNNING 00:00:17.410)

11 A So there wasn't specifically anything that
12 was carried out by that team. I was preparing
13 towards the planning work.
14 Q Okay. Can you tell me about what some of
15 your job duties were as preparing toward the
16 planning work?

48. PAGE 197:17 TO 197:17 (RUNNING 00:00:02.596)

17 A I don't recall.

49. PAGE 198:06 TO 198:08 (RUNNING 00:00:11.501)

06 Q As -- as your role as the sole member of the
07 planning team, did your job duties concern the
08 determination of pricing for products sold in Korea?

50. PAGE 198:09 TO 198:09 (RUNNING 00:00:01.774)

09 A No.

51. PAGE 198:10 TO 198:13 (RUNNING 00:00:16.360)

10 Q While you were working for Nongshim Korea,
11 did your job duties ever concern the determination
12 of pricing for products sold either in the Korean
13 market or for the export market?

52. PAGE 198:14 TO 198:16 (RUNNING 00:00:10.452)

14 A I did not carry out any such job duties back
15 at the time, because I was hierarchically a low
16 position.

53. PAGE 198:17 TO 198:17 (RUNNING 00:00:03.566)

17 Q Since you have been employed -- strike that.

54. PAGE 198:18 TO 198:19 (RUNNING 00:00:03.189)

18 Can you give me all your positions at
19 Nongshim Korea?

55. PAGE 198:20 TO 198:21 (RUNNING 00:00:08.568)

20 A I -- I was charged with handling documents
21 within the export team, and I served as sales

56. PAGE 198:22 TO 198:22 (RUNNING 00:00:11.178)

22 assistant for the regions of Middle East and Canada.

57. PAGE 198:23 TO 199:01 (RUNNING 00:00:17.374)

23 And I was charged with the work of system
24 development under one-year period for approximately

KoreanNoodles

25 nine months within a project team called "Nice
00199:01 Team."

58. PAGE 199:02 TO 199:02 (RUNNING 00:00:06.658)

02 And I returned back to the export team, at

59. PAGE 199:03 TO 199:03 (RUNNING 00:00:06.747)

03 which time I created a team called "Planning Team."

60. PAGE 199:04 TO 199:05 (RUNNING 00:00:10.728)

04 And for approximately four to five months after that
05 happened, I was dispatched to the U.S.

61. PAGE 199:06 TO 199:09 (RUNNING 00:00:10.185)

06 Q I think I probably assumed this, but while
07 you were working for Nongshim Korea, you lived in
08 Korea, and while you were working for Nongshim
09 America, you lived in America?

62. PAGE 199:10 TO 199:13 (RUNNING 00:00:14.459)

10 A Yes, correct.
11 Q I just want to go through some of those roles
12 briefly. I -- I think you said you were handling
13 documents for the export team.

63. PAGE 199:14 TO 199:15 (RUNNING 00:00:03.030)

14 A Yes.
15 Q Was that your first role at Nongshim Korea?

64. PAGE 199:16 TO 199:18 (RUNNING 00:00:04.925)

16 A Yes.
17 Q Okay. And when you say "handling documents,"
18 what do you mean?

65. PAGE 199:19 TO 199:20 (RUNNING 00:00:07.818)

19 A All export was done by way of letter of
20 credit based. So handling documents related to

66. PAGE 199:21 TO 199:25 (RUNNING 00:00:26.700)

21 export matters means that after a letter of credit
22 is opened, I was involved in bringing the letter of
23 credit to the relevant corresponding bank for
24 negotiation of the document in order to collect the
25 payment.

67. PAGE 200:01 TO 200:02 (RUNNING 00:00:04.091)

00200:01 Q The export team, do you know if that's now
02 called the overseas sales team?

68. PAGE 200:04 TO 200:04 (RUNNING 00:00:02.290)

04 THE WITNESS: Yes, that's correct.

69. PAGE 202:18 TO 202:20 (RUNNING 00:00:06.511)

18 MR. LINKH: Okay. I'm going to introduce
19 as -- a document that was previously marked as
20 Exhibit 108. And I also have a certified

70. PAGE 202:21 TO 202:22 (RUNNING 00:00:08.942)

21 translation, but for some reason they're not
22 stapled. Let me just staple them real quick. And

KoreanNoodles

71. PAGE 202:23 TO 202:23 (RUNNING 00:00:05.806)

23 the translation was provided as Exhibit 108T.

72. PAGE 202:24 TO 202:24 (RUNNING 00:00:02.340)

24 Q Mr. Lee, do you recognize this document?

73. PAGE 202:25 TO 203:01 (RUNNING 00:00:06.517)

25 A Yes.

00203:01 Q Okay. Can you tell me what this document is?

74. PAGE 203:02 TO 203:08 (RUNNING 00:00:22.370)

02 A In the subject field, it says, "Information
03 related to domestic price" --

04 THE INTERPRETER: Withdrawn.

05 THE WITNESS: -- "domestically sold products
06 unit price for increase."

07 BY MR. LINKH:

08 Q Okay. And do you know who Won-Joon Lee is?

75. PAGE 203:09 TO 203:10 (RUNNING 00:00:03.503)

09 A Yes, I do.

10 Q And can you tell me who he is?

76. PAGE 203:11 TO 203:13 (RUNNING 00:00:19.645)

11 A He is a member of the international or
12 overseas sales department in Korea, who's junior to
13 me.

77. PAGE 203:14 TO 203:15 (RUNNING 00:00:05.179)

14 Q Okay. Do you see how there's a 1 and a 2 in
15 the middle of that document? And right --

78. PAGE 203:16 TO 203:18 (RUNNING 00:00:05.564)

16 A Yes.

17 Q -- right after that, there is a -- there's a
18 paragraph?

79. PAGE 203:19 TO 203:21 (RUNNING 00:00:04.945)

19 A Yes.

20 Q Can you read me the first sentence in that
21 paragraph.

80. PAGE 204:19 TO 204:25 (RUNNING 00:00:43.223)

19 THE WITNESS: "According to the
20 price increase of domestic products,
21 the price for exported products will
22 be separately determined and worked
23 on. I will send out related
24 information to you around the early
25 part or around the middle of March."

81. PAGE 206:16 TO 206:18 (RUNNING 00:00:12.742)

16 Q Okay. And is it your understanding from this
17 e-mail that the price of the export product was not
18 yet decided at the time the e-mail was written?

82. PAGE 206:20 TO 206:20 (RUNNING 00:00:01.698)

20 THE WITNESS: Yes.

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83. PAGE 206:22 TO 206:25 (RUNNING 00:00:13.604)

22 Q Okay. And is it your understanding that the
23 price of the export product would be determined
24 based -- be determined according to the price of the
25 products in Korea?

84. PAGE 207:03 TO 207:06 (RUNNING 00:00:21.011)

03 THE WITNESS: What it says is that such price
04 increase would consider the price increase in Korea
05 as referenced, but this says that it will be
06 separately calculated.

85. PAGE 227:07 TO 227:13 (RUNNING 00:00:22.176)

07 MR. LINKH: Okay. I would like to designate
08 another exhibit and mark another exhibit. This is
09 116, right?
10 THE REPORTER: 1016.
11 MR. LINKH: 1016, yes.
12 1016 is an e-mail string dated -- an e-mail
13 string Bates-numbered NSA0246494.

86. PAGE 227:17 TO 227:20 (RUNNING 00:00:10.582)

17 Q And I know there's a lot there and it's a
18 long string, but I'd specifically like just to turn
19 to you -- to turn you to the second page, in the
20 bottom of the second page.

87. PAGE 227:21 TO 227:22 (RUNNING 00:00:05.382)

21 And do you see how there is -- on that
22 string, there is an e-mail from you to Krith Roth

88. PAGE 227:23 TO 227:23 (RUNNING 00:00:02.618)

23 dated March 13th, 2007?

89. PAGE 227:24 TO 228:03 (RUNNING 00:00:12.626)

24 A Yes.
25 Q And it states:
00228:01 "In Korea, our company already
02 increased prices from March 1, 2007.
03 And it was announced on the public."

90. PAGE 228:04 TO 228:05 (RUNNING 00:00:02.842)

04 A Yes.
05 Q Can you tell me what that means?

91. PAGE 228:06 TO 228:12 (RUNNING 00:00:35.667)

06 A The content of this e-mail dated March 13th,
07 2007 is that I'm informing Mr. Roth of anticipated
08 price increase in the month of March, from March.
09 Q And do you see on the third line, it says:
10 "And NSA accepts the NSF's price
11 increase by 6 percent from
12 March 2007"?

92. PAGE 228:13 TO 228:16 (RUNNING 00:00:16.101)

13 A Yes.
14 Q Did Nongshim America ever have the option not
15 to accept a price increase from NSF or accept less
16 of a price increase than Nongshim Foods offered?

KoreanNoodles

93. PAGE 228:17 TO 228:20 (RUNNING 00:00:13.253)

17 A It did not, to my understanding.
18 Q So there was never any negotiation between
19 Nongshim America and Nongshim Foods about the amount
20 of the price increase?

94. PAGE 228:21 TO 228:25 (RUNNING 00:00:13.640)

21 A There wasn't, as far as I can recall.
22 Q And below that, do you see:
23 "Therefore, we have to our
24 increase" -- "increase our prices as
25 soon as possible"?

95. PAGE 229:01 TO 229:05 (RUNNING 00:00:21.099)

00229:01 A Yes.
02 Q Was it Nongshim America's practice to
03 increase prices to customers soon after either
04 Nongshim Korea or Nongshim Foods increased the
05 prices of products that it sold to Nongshim America?

96. PAGE 229:06 TO 229:06 (RUNNING 00:00:04.084)

06 A For the most part, it was.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:18:22.897)

COURT EXHIBIT 21a

KoreanNoodles

Lee, Jae Hee (Vol. 02) - 04/28/2016

1 CLIP (RUNNING 00:03:16.579)

LEEJAEHEE-0428

23 SEGMENTS (RUNNING 00:03:16.579)



1. PAGE 7:23 TO 8:04 (RUNNING 00:00:17.443)

23 (Aeryong C. Kim was duly sworn as the
24 English/Korean interpreter.)
25
00008:01 JAE HEE LEE,
02 having been first duly sworn through
03 the interpreter, was examined and
04 testified as follows:

2. PAGE 10:04 TO 10:05 (RUNNING 00:00:03.214)

04 Q. Could you tell me who your current
05 employer is.

3. PAGE 10:06 TO 10:06 (RUNNING 00:00:02.202)

06 A. Korea Daily.

4. PAGE 10:07 TO 10:08 (RUNNING 00:00:02.473)

07 Q. And how long have you been with Korea
08 Daily?

5. PAGE 10:09 TO 10:09 (RUNNING 00:00:06.953)

09 A. For about 11 or 12 years. Since 2004.

6. PAGE 10:10 TO 10:10 (RUNNING 00:00:02.188)

10 Q. And what do you do with the Korean Daily?

7. PAGE 10:11 TO 10:11 (RUNNING 00:00:02.880)

11 A. I work as a reporter there.

8. PAGE 13:08 TO 13:10 (RUNNING 00:00:08.962)

08 Q. Does Korean Daily have a policy or
09 procedure for its reporters' preparation of news
10 articles?

9. PAGE 13:11 TO 13:11 (RUNNING 00:00:01.325)

11 MR. LEE: Asking as to 2005?

10. PAGE 13:13 TO 13:13 (RUNNING 00:00:01.975)

13 Q. 2005 to 2010.

11. PAGE 13:14 TO 13:15 (RUNNING 00:00:09.239)

14 A. With respect to making decisions on the
15 article items?

12. PAGE 13:16 TO 13:19 (RUNNING 00:00:09.764)

16 Q. With respect to making -- with -- strike
17 that.
18 With respect to investigation and drafting
19 the article.

KoreanNoodles

13. PAGE 13:25 TO 14:04 (RUNNING 00:00:31.004)

25 A. Items to be included in an article, that
00014:01 gets decided upon pursuant to needs of the readers.
02 And as far as what the reporters have to prepare
03 towards that is the newspaper company, my employer,
04 sets out guideline for the reporters.

14. PAGE 14:05 TO 14:06 (RUNNING 00:00:02.925)

05 Q. What are those guidelines for the
06 reporters?

15. PAGE 14:07 TO 14:09 (RUNNING 00:00:13.125)

07 A. For the items you are to write for an
08 article, as a reporter you have to maintain
09 objectivity and a fairness.

16. PAGE 14:10 TO 14:10 (RUNNING 00:00:00.783)

10 Q. Anything else?

17. PAGE 14:11 TO 14:13 (RUNNING 00:00:17.062)

11 A. These type of things are kind of obvious
12 to us reporters, so I don't know what specifically
13 you are asking about here.

18. PAGE 14:14 TO 14:15 (RUNNING 00:00:07.460)

14 Q. Okay. When you write an article, will you
15 sometimes interview people for the article?

19. PAGE 14:16 TO 14:16 (RUNNING 00:00:00.662)

16 A. Yes.

20. PAGE 14:17 TO 14:18 (RUNNING 00:00:05.059)

17 Q. In the articles that you write, will you
18 at times use quotation marks?

21. PAGE 14:19 TO 14:19 (RUNNING 00:00:00.768)

19 A. Yes.

22. PAGE 14:20 TO 14:23 (RUNNING 00:00:13.055)

20 Q. When you use quotation marks in your
21 articles, are you paraphrasing what the interviewee
22 has said or are you providing word for word what the
23 interviewee has said?

23. PAGE 14:24 TO 15:04 (RUNNING 00:00:36.058)

24 A. Generally speaking and typically, we are
25 to write word for words at times of conveying the
00015:01 quotation marks of the interviewees. However,
02 whenever the interviewee is using any inappropriate
03 words, such as slangs, and in such a case we would
04 change that to a proper expression.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:03:16.579)

COURT EXHIBIT 22a

KoreanNoodles

Roth, Krith (Vol. 01) - 04/20/2016
1 CLIP (RUNNING 00:02:39.803)
KRITHROTH-0420
10 SEGMENTS (RUNNING 00:02:39.803)

1. PAGE 8:17 TO 8:19 (RUNNING 00:00:07.874)

17 KRITH ROTH,
18 having been first duly sworn, was examined and
19 testified as follows:

2. PAGE 10:04 TO 10:12 (RUNNING 00:00:24.315)

04 So, Mr. Roth, what is your current position
05 at Nongshim America?
06 A Currently, I am in sales.
07 Q Do you have a formal job title?
08 A General manager.
09 Q Can you tell me what you do as a general
10 manager at Nongshim America.
11 A Develop sales to mainstream customer or
12 non-Asian customer.

3. PAGE 10:15 TO 10:15 (RUNNING 00:00:01.784)

15 THE WITNESS: Non-Asian customer.

4. PAGE 43:24 TO 44:08 (RUNNING 00:00:52.184)

24 Q Okay. When you explained to customers the
25 reasons for the price increases, what information
00044:01 did you cite to for those reasons to your customers?
02 A Only if customer asks, and informations, what
03 was given to me, I passed forward to the customer.
04 Q What type of information would be given to
05 you?
06 A As an example, as it's stated on here, cost
07 of wheat, oils and so forth.
08 Q Did you ever receive specific numbers or

5. PAGE 44:09 TO 44:10 (RUNNING 00:00:05.766)

09 spreadsheets about what those price increases were?
10 A No.

6. PAGE 44:11 TO 44:15 (RUNNING 00:00:15.077)

11 Q Was the information about the cost of
12 wheels -- I'm sorry, cost of wheat, oils and so
13 forth ever provided to you without you asking for
14 it?
15 A No.

7. PAGE 44:23 TO 44:25 (RUNNING 00:00:06.587)

23 Q Sure. Do you know what the term "cost of
24 goods sold" means?
25 A That's an accounting term, I believe.

8. PAGE 45:01 TO 45:02 (RUNNING 00:00:12.269)

00045:01 Q If I'm using it to mean the costs for a
02 company to make that product, have you ever received

KoreanNoodles

9. PAGE 45:03 TO 45:04 (RUNNING 00:00:09.651)

03 any type of written information about that?
04 A No.

10. PAGE 45:05 TO 45:14 (RUNNING 00:00:24.296)

05 Q Did you ever receive any specific figures
06 about the price increase of wheat flour?
07 A No.
08 Q Did you ever receive any specific figures
09 about the price increase of edible oils?
10 A No.
11 Q Did you ever receive any specific figures
12 about the price increase of packaging of noodle
13 products?
14 A No.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:02:39.803)

COURT EXHIBIT 23a

KoreanNoodles

Kim, Sun Ho (Vol. 01) - 04/15/2016

1 CLIP (RUNNING 00:01:55.844)

KIMSUNHO-0415

11 SEGMENTS (RUNNING 00:01:55.844)



1. PAGE 7:16 TO 7:21 (RUNNING 00:00:19.270)

16 AERYONG KIM,
17 was duly sworn to act as English/Korean interpreter.
18
19 SUNHO KIM,
20 having been first duly sworn, was examined and
21 testified as follows:

2. PAGE 8:25 TO 9:01 (RUNNING 00:00:03.265)

25 Q Mr. Kim, what's your role at Nongshim
00009:01 America?

3. PAGE 9:02 TO 9:03 (RUNNING 00:00:10.234)

02 A I am R&D manager and am in charge with
03 product development.

4. PAGE 9:04 TO 9:05 (RUNNING 00:00:06.047)

04 Q And as R&D manager, what do you -- what are
05 some of your job responsibilities?

5. PAGE 9:06 TO 9:09 (RUNNING 00:00:23.999)

06 A My responsibilities entail developing new
07 products such as ramen product and also reinforcing
08 and working on the existing products such as Shin
09 ramen, which is our major product.

6. PAGE 14:05 TO 14:07 (RUNNING 00:00:08.641)

05 Q And does Shin ramen sold in Korea have any
06 ingredient differences than Shin ramen sold in the
07 United States?

7. PAGE 14:08 TO 14:08 (RUNNING 00:00:01.102)

08 A Yes.

8. PAGE 18:13 TO 18:14 (RUNNING 00:00:02.917)

13 Q Can you tell me how the tastes of ingredients
14 are different?

9. PAGE 18:15 TO 18:17 (RUNNING 00:00:27.137)

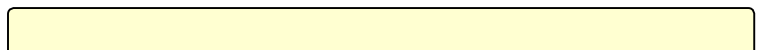
15 A If the material is different, the ingredient
16 tastes different, and the goal of our company is to
17 have the product produce similar tastes.

10. PAGE 18:18 TO 18:21 (RUNNING 00:00:12.395)

18 Q When you say "have the product produce
19 similar tastes," are you talking about having Shin
20 ramen that's produced in America having a similar
21 taste as Shin ramen that's produced in Korea?

11. PAGE 18:22 TO 18:22 (RUNNING 00:00:00.837)

22 A Yes.



TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:01:55.844)

COURT EXHIBIT 24a

KoreanNoodles

Kim, Sunny (Vol. 01) - 04/21/2016

1 CLIP (RUNNING 00:15:06.276)

SUNNYKIM-0421

38 SEGMENTS (RUNNING 00:15:06.276)



1. PAGE 8:15 TO 8:17 (RUNNING 00:00:10.185)

15 SUNNY KIM,
16 having been first duly sworn, was
17 examined and testified as follows:

2. PAGE 10:11 TO 10:15 (RUNNING 00:00:11.126)

11 Q. So where are you currently employed?
12 A. Nongshim America.
13 Q. And how long have you been with Nongshim
14 America?
15 A. 22 years.

3. PAGE 43:11 TO 43:14 (RUNNING 00:00:15.485)

11 Q. Okay. Let me show you what's been
12 previously labeled in this litigation as
13 Exhibit 1013. If you take a second to look at that
14 and tell me whether you recall seeing it before.

4. PAGE 43:15 TO 43:17 (RUNNING 00:00:06.235)

15 A. Yes. I see.
16 Q. You do?
17 A. I wrote that.

5. PAGE 44:07 TO 44:15 (RUNNING 00:00:25.678)

07 Did you have a standard practice with
08 respect to notifying your customers when there was
09 going to be a price increase?
10 A. Did we have a standard practice? We just
11 notified our customer when we became aware and
12 there's a certain date set just -- let them know as
13 soon as we can.
14 Q. And was there a particular form that you
15 would use?

6. PAGE 44:18 TO 44:20 (RUNNING 00:00:07.056)

18 THE WITNESS: This, like, I just kind of
19 wrote it on -- on a company. It wasn't really a
20 formal --

7. PAGE 44:22 TO 44:25 (RUNNING 00:00:09.775)

22 Q. Okay.
23 A. But I mean, you know, it's -- we would
24 kind of use -- we could probably use, you know, same
25 form to all the customers, I guess.

8. PAGE 45:06 TO 45:12 (RUNNING 00:00:23.446)

06 Q. In the first paragraph you indicate that:
07 "As is true throughout the industry,
08 the demand and cost of raw materials are
09 sharply rising in all areas and we must
10 reluctantly adjust our pricing."
11 Do you recall what information you used

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12 when you were writing that?

9. PAGE 45:19 TO 46:05 (RUNNING 00:00:47.240)

19 THE WITNESS: What information I used to
20 write that? Had any, you know, data or anything. I
21 think, if anything, it would have been like from a
22 translation from a Korean announcement.

23 Or when we are -- you know, as a sales,
24 people in sales, you know, when we get a price
25 increase, we would generally say raw material costs
00046:01 went up in general. So then that's kind of the
02 explanation to the customer, just try to -- you
03 know, say it in a nice way. I didn't have any,
04 like, specific, like, information or anything, you
05 know, or breakdown or something like that.

10. PAGE 46:08 TO 46:10 (RUNNING 00:00:10.445)

08 Would you have been provided with some
09 explanation to pass on to customers concerning the
10 reason for the price increase?

11. PAGE 46:13 TO 46:21 (RUNNING 00:00:28.672)

13 THE WITNESS: I can't really remember, but
14 I -- I must have, you know -- that's kind of the
15 typical, you know -- because we ask -- because our
16 customers don't like price increases, obviously, so
17 there's, you know, as a salesman always ask, you
18 know, well, why price increase?

19 Well, because raw material, everything
20 have to go up. Okay. We will try to say that to
21 our customer. That's just kind of how it's been.

12. PAGE 50:20 TO 50:25 (RUNNING 00:00:12.153)

20 Q. So you had a price increase in July of
21 2007. Right?

22 A. Um-hum.

23 Q. And in the normal course, would you have
24 applied that price increase to all of your customers
25 in the same way?

13. PAGE 51:03 TO 51:06 (RUNNING 00:00:13.084)

03 THE WITNESS: If we have -- if -- it's a
04 direction, company direction, if we have something
05 like that, we are supposed to give it to all the
06 customers. Yeah. I notify them.

14. PAGE 51:08 TO 52:04 (RUNNING 00:01:13.213)

08 Q. So would it be unusual, in your
09 experience, that you would make a -- an exception
10 for a particular customer?

11 A. Right. That's not a common thing. It
12 would be a usual -- like special exception if there
13 is a reason, something like that, with the customer.

14 Like -- like this one, sometimes, like,
15 mainstream customers when we just start, they have
16 to -- they have kind of like a vendor agreement
17 where you have to maintain the price for, you know,
18 certain period of time. Something like that.

19 Then even if, you know, we have some
20 change, we just have to wait until that time passes
21 or something to make adjustments, just in commonly,
22 in general.

23 So I'm thinking that's probably what

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24 happened with that Amazon customer that time because
25 we -- in this -- just kind of reminding -- she was
00052:01 the buyer and I'm just kind of reminding her,
02 remember we started, that's why we are keeping, and
03 now we just have to -- that's -- that's what it
04 means.

15. PAGE 59:23 TO 60:05 (RUNNING 00:00:24.865)

23 Q. I'm showing you what's been labeled as
24 Exhibit 1049. I will represent to you that this is
25 a document that was produced to us by Nongshim
00060:01 America through discovery Bates stamped number
02 NSA0018215. And the metadata that accompanied the
03 document indicated that it came from your custodial
04 file.
05 Do you recognize the document?

16. PAGE 60:06 TO 60:07 (RUNNING 00:00:03.094)

06 A. Looks like the spec sheet and a price
07 list.

17. PAGE 60:25 TO 61:09 (RUNNING 00:00:17.923)

25 Q. So this -- this isn't a purely internal
00061:01 document.
02 A. No. It has just spec and the price and
03 the terms. This would be like something we would
04 give to the customer.
05 Q. Okay. So, for example, when you were
06 announcing a price increase, you might attach a list
07 like this to it.
08 A. Right.
09 Q. Okay. Now, I notice that a number of the

18. PAGE 61:10 TO 61:19 (RUNNING 00:00:54.565)

10 prices for different products are the same. So bowl
11 noodle hot and spicy, bowl noodle kim chi, bowl
12 noodle shin, spicy shrimp, spicy chicken, all are
13 showing a price of \$5.34 cost per case.
14 Do you see that?
15 A. Yes.
16 Q. Is it, in your experience working for
17 Nongshim America, fairly common that you would have
18 prices for similarly sized ramen products -- sized
19 and packaged ramen products be same?

19. PAGE 61:23 TO 62:03 (RUNNING 00:00:15.625)

23 THE WITNESS: Like this case, those bowl
24 noodle with -- the same bowl noodle with different
25 flavors, they are the same price. That's true today
00062:01 too. That's for convenience, you know, to the
02 customers too. Just different flavors, same thing
03 kind of.

20. PAGE 62:11 TO 63:02 (RUNNING 00:00:57.385)

11 Q. I'm showing you what's been labeled as
12 Exhibit 1050, and I will represent to you that this
13 document -- there was a document produced to
14 plaintiffs by Nongshim America Bates stamp number
15 NSA0015298. It was produced in the form of an Excel
16 spreadsheet that had two tabs. The first tab has
17 been reproduced in this exhibit and it was labeled
18 TX.
19 I didn't reproduce the second tab only

KoreanNoodles

20 because I don't have any questions with respect to
 21 the second tab of information.
 22 I will further represent to you that the
 23 document metadata indicated that it came from your
 24 custodial file.
 25 With that by way of background, do you
 00063:01 recognize the information on this -- in this
 02 document?

21. PAGE 63:07 TO 63:08 (RUNNING 00:00:04.025)

07 THE WITNESS: This just looks like a price
 08 list. Yeah.

22. PAGE 63:10 TO 63:23 (RUNNING 00:00:45.285)

10 Q. So in -- on the second page of the
 11 document, first page that actually has text on it,
 12 you see the column on the left, it has package
 13 noodle followed by container noodle.
 14 A. Yes.
 15 Q. And then followed by snack. Do you see
 16 that?
 17 A. Yes.
 18 Q. Okay. Then the next column over, we have
 19 a breakdown between prices -- between NSF and NSK.
 20 Do you see that?
 21 A. Yes.
 22 Q. And can you tell me what those refer to?
 23 A. Nongshim Foods, Nongshim Korea.

23. PAGE 63:25 TO 64:04 (RUNNING 00:00:19.810)

25 What is Nongshim Foods?
 00064:01 A. Nongshim America now. It's same company.
 02 This -- I -- this would be -- distinguishing
 03 Nongshim -- so U.S.-made product -- import product
 04 probably, that's what we were trying to distinguish.

24. PAGE 64:21 TO 64:22 (RUNNING 00:00:06.938)

21 Q. Okay. And then NSK is a reference to
 22 Nongshim Korea, the parent company in -- in Korea?

25. PAGE 64:25 TO 65:02 (RUNNING 00:00:07.086)

25 THE WITNESS: This NSK just refers to
 00065:01 Korea-made product. Nongshim Korea-made product,
 02 American-made product.

26. PAGE 65:04 TO 65:17 (RUNNING 00:00:40.537)

04 Q. Okay.
 05 A. Yeah.
 06 Q. So if you take a look at the very first
 07 item on the first page there -- I'm sorry, I'm going
 08 to butcher this pronunciation --
 09 A. Neoguri.
 10 Q. Neoguri? So you have got 120 -- is the
 11 spec indicating 120-gram package, 20 packages?
 12 A. Yes.
 13 Q. Okay. And what is CBM?
 14 A. Cubic meter.
 15 Q. Ah. Okay. And the price on that is
 16 \$9.10. Right?
 17 A. Yes.

27. PAGE 65:20 TO 65:20 (RUNNING 00:00:02.684)

20 THE WITNESS: That's what it says, 9.10.

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28. PAGE 65:22 TO 67:02 (RUNNING 00:01:41.069)

22 Q. Do you know whether that would be \$9.10
 23 for the 20 120-gram packages? Is that what that's
 24 referring to?
 25 A. Sorry.
 00066:01 Q. The spec says 120 grams times 20. So
 02 would \$9.10 be the price for 20 pack -- the 20 pack
 03 of 120-gram Neoguri noodles?
 04 A. Right.
 05 Q. Okay.
 06 A. Yeah.
 07 Q. Now, if you go down to the very first item
 08 that shown under the NSK category for packaged
 09 noodles, we have Neoguri mild. Right?
 10 A. Um-hum.
 11 Q. That's also 120 grams times 20. And the
 12 price on that is also \$9.10.
 13 Do you see that?
 14 A. Yes.
 15 Q. Do you know whether the cost to produce --
 16 for NSF to produce the Neoguri hot noodle was
 17 different than the cost that NSA paid for the
 18 Neoguri mild that it imported from NS -- Nongshim
 19 Korea?
 20 A. I wouldn't know that information.
 21 Q. Okay.
 22 A. Yeah.
 23 Q. In your experience, was it normal for
 24 Nongshim America to price its similarly sized
 25 Neoguri packaged noodles the same regardless of
 00067:01 whether they were coming from Korea or the Nongshim
 02 America factory?

29. PAGE 67:05 TO 67:06 (RUNNING 00:00:03.332)

05 THE WITNESS: Are you talking about that
 06 Neoguri item specifically or --

30. PAGE 67:08 TO 67:25 (RUNNING 00:00:52.785)

08 Q. Just as -- as an example.
 09 A. Depends on the item.
 10 Q. I'm sorry. We can't talk over each other.
 11 A. Oh, sorry.
 12 Q. Sorry, go ahead.
 13 A. It depends on the item. Meaning our --
 14 our noodle packages are pretty much similar sizes.
 15 That doesn't mean they are all the same price.
 16 So --
 17 Q. What factors would -- would tend to make
 18 it more likely that they would be priced the same?
 19 A. Like the bowl noodle price you asked me
 20 earlier, like Neoguri had -- Neoguri mild is really
 21 same product, just different kind of flavor. So I
 22 must -- you know, I'm thinking that's probably why
 23 it's same price. But, you know, not -- not because
 24 it's packaged noodle, but because it's same flavor
 25 or same -- same product, just different flavor.

31. PAGE 71:09 TO 71:12 (RUNNING 00:00:13.864)

09 Q. Okay. During your time with Nongshim
 10 America, have you from time to time worked with
 11 people who have been seconded to the company from
 12 Nongshim Korea?

KoreanNoodles

32. PAGE 71:14 TO 71:15 (RUNNING 00:00:03.224)

14 THE WITNESS: What's "seconded"? What
15 does that mean?

33. PAGE 71:18 TO 71:20 (RUNNING 00:00:07.955)

18 Q. Okay. Did you ever work with anyone who
19 was employed by Nongshim Korea essentially on loan
20 to Nongshim America?

34. PAGE 71:22 TO 71:23 (RUNNING 00:00:04.776)

22 THE WITNESS: Who was Nongshim Korea
23 employee that worked at Nongshim America?

35. PAGE 71:25 TO 72:06 (RUNNING 00:00:16.838)

25 Q. Um-hum.
00072:01 A. A lot of them.
02 Q. Can you give me some names, people that
03 you know who are -- who were Nongshim Korea
04 employees who were -- who were, you know,
05 essentially like serving a tour of duty, if you
06 will, at Nongshim America?

36. PAGE 72:08 TO 72:14 (RUNNING 00:00:27.045)

08 THE WITNESS: Just whoever that was that
09 came from Korea. Other than -- like, I was hired
10 locally so I'm -- the opposite of, I guess, what you
11 are asking as American employee. But, like,
12 Mr. Lee, most of our other managers, they were first
13 hired in Korea and then they were just reassigned to
14 come here to work.

37. PAGE 75:24 TO 76:17 (RUNNING 00:01:00.219)

24 Q. Okay. Several times during your time as
25 a -- in sales for Nongshim America, the price of the
00076:01 Nongshim America ramen products have increased.
02 Right?
03 A. Yes.
04 Q. Do you know whether the company ever tried
05 to determine what the effect of those price
06 increases was on the price that retail customers
07 were paying for its products?
08 A. Studied effects of, I don't know.
09 Q. Okay. Do you know whether retail prices
10 for your ramen products go up when your wholesale
11 prices go up?
12 A. When our -- when we raised our price to
13 the customers, generally the market selling price to
14 the consumers, the retail selling price, usually
15 goes up too.
16 Q. Does it usually go up by the same
17 percentage?

38. PAGE 76:20 TO 77:01 (RUNNING 00:00:21.554)

20 THE WITNESS: I can't say, but similarly I
21 would -- I would assume. I haven't really, you
22 know, calculated to make sure it's the same
23 percentage, but I would assume that it's, you
24 know -- their cost increase I'm sure they are
25 passing down is kind of what I speculate, yeah. But
00077:01 it does -- it did go up over time in the retail.

COURT EXHIBIT 25a

KoreanNoodles

Hong, Kang Sik (Vol. 01) - 05/21/2016

1 CLIP (RUNNING 00:03:46.095)

HONGKANGSIK-0521

24 SEGMENTS (RUNNING 00:03:46.095)



1. PAGE 8:15 TO 8:18 (RUNNING 00:00:16.360)

15 (Albert Kim was duly sworn as the
16 English/Korean interpreter.)
17
18 KANG SIK HONG,

2. PAGE 8:19 TO 8:20 (RUNNING 00:00:01.191)

19 having been administered an oath, was examined and
20 testified as follows:

3. PAGE 15:18 TO 15:20 (RUNNING 00:00:06.290)

18 Q And then after you graduated from the
19 University of Houston with your MBA degree, what did
20 you do?

4. PAGE 15:21 TO 15:22 (RUNNING 00:00:08.235)

21 A Thereafter I embarked upon my studies
22 involving accounting.

5. PAGE 15:25 TO 16:01 (RUNNING 00:00:05.589)

25 Q Were you achieving a particular -- seeking to
00016:01 achieve a particular degree?

6. PAGE 16:02 TO 16:02 (RUNNING 00:00:03.759)

02 A Yes, a degree in accounting.

7. PAGE 16:03 TO 16:03 (RUNNING 00:00:01.497)

03 Q But you didn't actually achieve that?

8. PAGE 16:04 TO 16:06 (RUNNING 00:00:10.292)

04 A Right. I had practically completed the
05 course work, but I did not ultimately obtain the
06 degree.

9. PAGE 16:07 TO 16:08 (RUNNING 00:00:03.887)

07 Q And what did you do instead of completing
08 your degree?

10. PAGE 16:09 TO 16:10 (RUNNING 00:00:05.523)

09 A So it was around that time I came on board
10 with Ottogi.

11. PAGE 16:18 TO 16:19 (RUNNING 00:00:03.671)

18 Q First you mentioned Ottogi. Are you talking
19 about Ottogi America?

12. PAGE 16:20 TO 16:21 (RUNNING 00:00:06.798)

20 A Yes. I was hired by Ottogi America, Inc.,
21 here in the United States.

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13. PAGE 22:23 TO 22:23 (RUNNING 00:00:01.961)

23 Q When did you first have a job title?

14. PAGE 22:24 TO 23:07 (RUNNING 00:00:33.493)

24 A To let you know, that's a bit nebulous, if
25 you will, because really the company was rather
00023:01 small, and it's not like, you know, things were too
02 clear as to when anybody was given a formal job
03 title. But in my case I think sometime around the
04 middle of maybe 2006 or so, they started calling me
05 manager. But, again, it's not like I was given a
06 title on a certain day of a certain month or
07 anything.

15. PAGE 23:15 TO 23:16 (RUNNING 00:00:04.519)

15 Q So was there a time when your job duties
16 changed?

16. PAGE 23:17 TO 23:25 (RUNNING 00:00:39.155)

17 A So, again, I wouldn't know as to any specific
18 date or time frame, but I'm wondering here if it was
19 in the '08 or '09 time frame. But, anyhow,
20 basically there came a time when I began basically
21 handling the placement of purchase orders vis-`-vis
22 Korea upon an assessment as to the level of
23 inventory, and if it seems that we might be running
24 short, I would do that. Yeah, so that is the sort
25 of change that I would say eventually came about.

17. PAGE 24:04 TO 24:06 (RUNNING 00:00:09.696)

04 Q Have you ever heard the term "export price"
05 before in relation to Ottogi's purchases of
06 products, Ottogi America?

18. PAGE 24:07 TO 24:07 (RUNNING 00:00:05.847)

07 A Yes, I have heard as to "export price."

19. PAGE 24:08 TO 24:09 (RUNNING 00:00:03.880)

08 Q And what does export price refer to you in
09 your business with Ottogi America?

20. PAGE 24:10 TO 24:11 (RUNNING 00:00:09.394)

10 A So that is in reference to the price at which
11 Ottogi in Korea sells goods to Ottogi America.

21. PAGE 105:21 TO 105:25 (RUNNING 00:00:15.123)

21 Q And then after you became involved in
22 pricing-related matters, you seem to recall that
23 prices were raised by Ottogi Korea to Ottogi America
24 on at least one occasion.
25 Do you remember that?

22. PAGE 106:01 TO 106:03 (RUNNING 00:00:12.891)

00106:01 A Yeah, I think I recall something about them
02 asking for -- or notifying us that they were going
03 to increase the price they were charging us.

23. PAGE 107:02 TO 107:04 (RUNNING 00:00:08.713)

02 Q So your recollection is that we were talking
03 about Ottogi Korea asking permission to raise the
04 price to Ottogi America?

KoreanNoodles

24. PAGE 107:07 TO 107:09 (RUNNING 00:00:08.331)

07 THE WITNESS: No, they would notify us. They
08 don't seek permission from us. They don't require
09 permission from us.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:03:46.095)

COURT EXHIBIT 25b

Ottogi

 **Hong, Kang S. (Vol. 01) - 05/21/2016**

1 CLIP (RUNNING 00:00:33.408)

 **Kang Sik Hong 11-13-18**

KANGSIKHONG 5 SEGMENTS (RUNNING 00:00:33.408)



1. PAGE 17:25 TO 18:01 (RUNNING 00:00:04.753)

25 Q Did you have to interview with anyone from
00018:01 Ottogi Korea to get your job?

2. PAGE 18:02 TO 18:04 (RUNNING 00:00:03.070)

02 A No.
03 Q Did you have an interview before you got
04 hired?

3. PAGE 18:05 TO 18:06 (RUNNING 00:00:03.710)

05 A Yes. Not with Korea, but with America here,
06 yes.

4. PAGE 24:12 TO 24:13 (RUNNING 00:00:03.456)

12 Q Have you ever heard of the term "choolgo
13 price"? C-H-O-O-L-G-O.

5. PAGE 24:14 TO 24:19 (RUNNING 00:00:18.419)

14 A Well, so I'm not sure if I'm entirely
15 familiar with what is meant by choolgo price, but
16 the price I was having to deal with is something
17 coming from Korea, again, and I wonder if it was CIP
18 or CIF or something. Anyway, that's what I dealt
19 with.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:00:33.408)

COURT EXHIBIT 26a

KoreanNoodles

Choi, Min Hwan (Vol. 01) - 04/08/2016
1 CLIP (RUNNING 00:00:50.407)
CHOIMINHWAN-0408
14 SEGMENTS (RUNNING 00:00:50.407)

1. PAGE 5:13 TO 5:18 (RUNNING 00:00:18.743)

13 A L B E R T K I M,
 14 the interpreter, having first
 15 been duly sworn by Sharon Lengel,
 16 the Notary Public, interpreted
 17 the testimony as follows:
 18 M I N H W A N C H O I,

2. PAGE 5:19 TO 5:22 (RUNNING 00:00:02.347)

19 having first been duly sworn by
 20 Sharon Lengel, the Notary Public,
 21 was examined and testified as
 22 follows:

3. PAGE 16:09 TO 16:09 (RUNNING 00:00:01.322)

09 You work for Ottogi Korea?

4. PAGE 16:10 TO 16:10 (RUNNING 00:00:01.639)

10 A. That is correct.

5. PAGE 17:06 TO 17:07 (RUNNING 00:00:03.141)

06 Q. Do you work for Ottogi
 07 Corporation?

6. PAGE 17:08 TO 17:08 (RUNNING 00:00:01.441)

08 A. Yes. That's correct.

7. PAGE 17:09 TO 17:10 (RUNNING 00:00:03.397)

09 Q. And I will refer to them as
 10 Ottogi Korea during today's deposition.

8. PAGE 17:11 TO 17:11 (RUNNING 00:00:02.078)

11 A. All right. I understand.

9. PAGE 17:12 TO 17:13 (RUNNING 00:00:01.988)

12 Q. How long have you been working
 13 for Ottogi Korea?

10. PAGE 17:14 TO 17:14 (RUNNING 00:00:03.029)

14 A. This is my 11th year.

11. PAGE 18:12 TO 18:13 (RUNNING 00:00:02.807)

12 Q. What did you do at Ottogi Korea
 13 when you first started?

12. PAGE 18:17 TO 18:18 (RUNNING 00:00:02.192)

17 A. I worked in the overseas sales
 18 division.

KoreanNoodles

13. PAGE 18:19 TO 18:21 (RUNNING 00:00:04.909)

19 Q. And that is the same -- and you
20 still are in overseas sales today; is that
21 correct?

14. PAGE 18:22 TO 18:22 (RUNNING 00:00:01.374)

22 A. Yes.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:00:50.407)

KoreanNoodles

Choi, Min Hwan (Vol. 01) - 04/18/2016
1 CLIP (RUNNING 00:04:42.106)
CHOIMINHWAN-0418
17 SEGMENTS (RUNNING 00:04:42.106)

1. PAGE 26:23 TO 26:25 (RUNNING 00:00:10.856)

23 Q. Is there a minimum time period
24 in which Ottogi Korea will give Ottogi
25 America of a price increase?

2. PAGE 27:02 TO 27:06 (RUNNING 00:00:16.752)

02 A. So typically, Ottogi America
03 too, in turn, on its part, will have to
04 notify its customers. So in order to
05 facilitate that, we give them at least a
06 month's time.

3. PAGE 27:07 TO 27:10 (RUNNING 00:00:17.275)

07 Q. Okay. Does Ottogi Korea ever
08 notify Ottogi America of a price increase
09 before it has obtained internal approval
10 for the price increase?

4. PAGE 27:11 TO 27:12 (RUNNING 00:00:05.018)

11 A. No. There never has been
12 anything like that.

5. PAGE 27:13 TO 27:16 (RUNNING 00:00:09.767)

13 Q. Has Ottogi Korea ever notified
14 Ottogi America of a price decrease before
15 it's obtained internal approval for the
16 price decrease?

6. PAGE 27:17 TO 27:18 (RUNNING 00:00:04.758)

17 A. Neither has there been anything
18 like that either.

7. PAGE 75:13 TO 75:16 (RUNNING 00:00:16.881)

13 Q. At any time between 2005 and
14 2010, did Ottogi Korea ever commission a
15 market survey or a report relating to the
16 United States market for Korean Ramen?

8. PAGE 75:17 TO 76:11 (RUNNING 00:01:01.101)

17 A. No. We have not done anything
18 like that. But there is something like
19 this: Shortly before the founding of
20 Ottogi America -- and I recall this as
21 being perhaps around the April-of-2000
22 timeframe -- we from Korea dispatched a
23 Task Force Team, a TFT, so as to look into
24 the local market dynamics and get an idea
25 as to what the consumer price was.

00076:01

02 And that was basically something
03 that was reported back to the Overseas
04 Business Division and shared within. And

KoreanNoodles

05 that was basically in order to ascertain
 06 what might be an appropriate margin on the
 07 part of Ottogi America, also so that we,
 08 for our part, from Ottogi Korea, would be
 09 able to gain an understanding as to at
 10 what price we could afford to supply
 11 product at.

9. PAGE 76:12 TO 76:17 (RUNNING 00:00:08.796)

12 MS. YU: Interpreter, did he say
 13 "2000" or --
 14 THE INTERPRETER: The
 15 interpreter said "2005." If he
 16 goofed, then apologies. But he
 17 thought he said 2005.

10. PAGE 76:23 TO 76:25 (RUNNING 00:00:11.749)

23 Q. Was the result of the task form
 24 team's work reflected in a written
 25 document?

11. PAGE 77:02 TO 77:06 (RUNNING 00:00:16.744)

02 A. So I don't know if there exists
 03 anything in writing to such effect. But
 04 at least as much was reported back to the
 05 Overseas Business Division, based upon
 06 what I was told by my predecessors.

12. PAGE 77:07 TO 77:08 (RUNNING 00:00:06.333)

07 Q. Do you know what employees
 08 constituted the Task Force Team?

13. PAGE 77:09 TO 77:11 (RUNNING 00:00:08.257)

09 A. It was comprised of Mr. Kisoo
 10 Jeong, and the other two individuals have
 11 since left the company.

14. PAGE 77:12 TO 77:13 (RUNNING 00:00:02.958)

12 Q. And what were the other two
 13 individuals' names?

15. PAGE 77:14 TO 77:14 (RUNNING 00:00:11.186)

14 A. Dong Soo Lim and Soon Sik Choi.

16. PAGE 77:15 TO 77:18 (RUNNING 00:00:13.911)

15 Q. Do you know what conclusions the
 16 Task Force Team drew about the consumer
 17 price and the appropriate margin for
 18 Ottogi America?

17. PAGE 77:21 TO 78:14 (RUNNING 00:00:59.764)

21 A. So as a matter of fact, my
 22 understanding is that the team decided to
 23 stay the course in terms of the existing
 24 consumer price. And with that as the
 25 backdrop, they mulled over as to what
 00078:01
 02 would be the appropriate margin for Ottogi
 03 America.
 04 And my understanding further is
 05 that they basically decided to go lower --
 06 hold -- to shoot for something that was

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07 about 10 to 20 percent lower than the
08 third party's rate. And this is, mind
09 you, just a guideline. They wanted to
10 shoot for something a little lower by 10
11 to 20 percent. And ultimately, my
12 understanding is they went about deciding
13 on the appropriate margin on an
14 item-by-item basis.


TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:04:42.106)

COURT EXHIBIT 26b

Ottogi

 **Choi, Min H. (Vol. 01) - 04/08/2016**

1 CLIP (RUNNING 00:02:26.273)

 Choi 11-12-18

MHC1

16 SEGMENTS (RUNNING 00:02:26.273)



1. PAGE 18:23 TO 19:02 (RUNNING 00:00:09.416)

23 Q. During your 11 years with
24 Ottogi, have you been involved in any
25 other divisions or parts of Ottogi Korea
00019:01 CHOI - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 other than overseas sales?

2. PAGE 19:03 TO 19:03 (RUNNING 00:00:01.279)

03 A. No, sir.

3. PAGE 23:16 TO 23:19 (RUNNING 00:00:17.989)

16 Q. So, Mr. Choi, tell me all about
17 what types of jobs that you did at Ottogi
18 Korea -- every job that you had at Ottogi
19 Korea before you became a manager in 2009.

4. PAGE 23:20 TO 23:23 (RUNNING 00:00:10.841)

20 A. So after coming on-board with
21 the company, I was an associate. I was
22 tasked with handling exports to Southeast
23 Asia. And then briefly, for about six

5. PAGE 23:23 TO 23:24 (RUNNING 00:00:08.404)

23 Asia. And then briefly, for about six
24 months, I was assigned to handle Europe.

6. PAGE 23:25 TO 24:02 (RUNNING 00:00:03.855)

25 And starting in 2008, I was put in charge
00024:01 CHOI - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 of handling --

7. PAGE 24:04 TO 24:05 (RUNNING 00:00:02.763)

04 A. -- I was tasked with handling
05 China. And then sometime towards the end

8. PAGE 24:05 TO 24:07 (RUNNING 00:00:11.546)

05 China. And then sometime towards the end
06 of 2009, I was assigned to be the hands-on
07 person to handle Ottogi America, Inc.

9. PAGE 27:02 TO 27:03 (RUNNING 00:00:06.398)

02 Q. Does Ottogi Korea export Korean
03 Ramen product to Ottogi America?

10. PAGE 27:04 TO 27:04 (RUNNING 00:00:02.137)

04 A. Let me sort this out.

11. PAGE 27:05 TO 27:08 (RUNNING 00:00:16.004)

05 Ottogi Korea, the head office
06 here, sells or exports to Ottogi America
07 Ramen as made in Korea for American

Ottogi

08 purposes.

12. PAGE 27:18 TO 27:21 (RUNNING 00:00:09.670)

18 Q. Do part of your job
19 responsibilities have to do with the
20 exporting of Korean Ramen from Korea --
21 Ottogi Korea to Ottogi America?

13. PAGE 27:22 TO 27:23 (RUNNING 00:00:04.588)

22 A. Yes. I am charged with those
23 export duties.

14. PAGE 39:04 TO 39:07 (RUNNING 00:00:21.482)

04 Q. Mr. Choi, you stated that your
05 unit sets the export price for Ottogi
06 America for export Korean Ramen products
07 to Ottogi America; am I correct?

15. PAGE 39:08 TO 39:12 (RUNNING 00:00:15.745)

08 A. Yes. That is correct.
09 Q. And you are the one who's been
10 tasked to set the price of these export --
11 exported Korean Ramen products to Ottogi
12 America; correct?


16. PAGE 39:13 TO 39:14 (RUNNING 00:00:04.156)

13 A. As far as the setting of it is
14 concerned, yes, that is me.

Ottogi

 **Choi, Min H. (Vol. 01) - 04/18/2016**

1 CLIP (RUNNING 00:02:50.154)

 Choi 11-13-18

MHC2

14 SEGMENTS (RUNNING 00:02:50.154)



1. PAGE 19:08 TO 19:12 (RUNNING 00:00:21.916)

08 Q. So with respect to the document
09 preservation period within your Business
10 Division, does that mean that all
11 documents more than three years old are
12 destroyed?

2. PAGE 19:13 TO 19:18 (RUNNING 00:00:19.564)

13 A. Yes. That is how things have
14 been done.
15 Q. For how long has it been the
16 document preservation policy within your
17 business division to destroy all documents
18 more than three years old?

3. PAGE 19:19 TO 19:22 (RUNNING 00:00:09.031)

19 A. My thinking in that regard is I
20 think that's been ever since our unit was
21 set up.
22 Q. And when was your unit set up?

4. PAGE 19:23 TO 19:25 (RUNNING 00:00:06.048)

23 A. I'm not exactly sure if I can
24 recall, but I think it was something
25 before the year 2000.

5. PAGE 27:19 TO 27:23 (RUNNING 00:00:18.521)

19 Q. Before 2005, did Ottogi Korea
20 ever notify anyone of a price increase for
21 Korean Ramen to be sold in the U.S. other
22 than Samjin, Korean Farms, and Rhee
23 Brothers?

6. PAGE 27:24 TO 28:05 (RUNNING 00:00:19.252)

24 A. No. The company has never sent
25 out any notification to parties other than
00028:01 CHOI - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 those.
03 Q. Has Ottogi Korea ever notified
04 the press of price increases of Korean
05 Ramen product destined for the U.S.?

7. PAGE 28:06 TO 28:06 (RUNNING 00:00:01.385)

06 A. No.

8. PAGE 28:25 TO 29:05 (RUNNING 00:00:14.378)

25 Q. What other -- what business
00029:01 CHOI - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 divisions other than the Overseas Sales
03 Division have responsibilities with
04 respect to exporting product to the
05 United States?

Ottogi

9. PAGE 29:06 TO 29:09 (RUNNING 00:00:11.227)

06 A. Export is dealt with only by the
07 Overseas Sales Division.
08 Q. So there's --
09 A. Overseas Business Division.

10. PAGE 29:10 TO 29:13 (RUNNING 00:00:13.243)

10 Q. Okay. So no other business
11 division has any responsibilities with
12 respect to Ottogi Korea's selling Ramen
13 product into the United States?

11. PAGE 29:14 TO 29:15 (RUNNING 00:00:04.656)

14 A. By "responsibilities," you mean
15 such duties? That's correct.

12. PAGE 57:14 TO 57:17 (RUNNING 00:00:13.437)

14 Q. Have you personally ever heard
15 of any Ottogi employee communicating with
16 Ottogi's competitors in the Korean Ramen
17 market?


13. PAGE 57:18 TO 57:22 (RUNNING 00:00:15.762)

18 A. No, I have not.
19 Q. Have you ever seen any document
20 that reflects communications that Ottogi
21 have -- that Ottogi has had with its
22 competitors in the Korean Ramen market?


14. PAGE 57:25 TO 57:25 (RUNNING 00:00:01.734)

25 A. I have not.

Ottogi

 **Choi, Min H. (Vol. 01) - 04/19/2016**

1 CLIP (RUNNING 00:00:32.021)

 Choi 11-13-18

MHC3

3 SEGMENTS (RUNNING 00:00:32.021)



1. PAGE 27:22 TO 27:25 (RUNNING 00:00:17.196)

22 Q. Did the overseas affairs team
23 have any input with respect to new product
24 pricing of Ramen product destined for the
25 U.S.?

2. PAGE 28:02 TO 28:07 (RUNNING 00:00:13.024)

02 A. The overseas affairs team did
03 not involve itself.
04 Q. And did the overseas affairs
05 team have any input with respect to
06 raising the price of Ramen product
07 destined for the U.S.?

3. PAGE 28:08 TO 28:08 (RUNNING 00:00:01.801)

08 A. They have not.


TOTAL: 3 CLIPS FROM 3 DEPOSITIONS (RUNNING 00:05:48.448)

COURT EXHIBIT 27a

Ottogi

 **Mangum, Russell (Vol. 01) - 09/22/2017**

1 CLIP (RUNNING 00:00:16.051)

 286.11-16

RM04

1 SEGMENT (RUNNING 00:00:16.051)



1. PAGE 286:11 TO 286:16 (RUNNING 00:00:16.051)

11 Q Sorry. But you're not aware of monitoring
12 through enforcement through the exchange of
13 competitive information with respect to prices
14 charged in the U.S., correct?
15 A I believe that's correct, not about
16 interaction that's happening just in the U.S.


TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:00:16.051)

COURT EXHIBIT 27b

Ottogi

 **Mangum, Russell (Vol. 01) - 09/22/2017**

1 CLIP (RUNNING 00:00:15.351)

 114.2-7

RM15

1 SEGMENT (RUNNING 00:00:15.351)



1. PAGE 114:02 TO 114:07 (RUNNING 00:00:15.351)

02 Q Let me strike it. Have you done any analysis
03 if you took all of Korean ramen suppliers together
04 whether they would have sufficient market share to
05 increase prices in an instant packaged noodle ramen
06 product to supracompetitive levels?
07 A I have not undertaken that analysis.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:00:15.351)

COURT EXHIBIT 28a

KoreanNoodles

Ham, Young Wook (Vol. 01) - 03/09/2016

1 CLIP (RUNNING 00:03:56.016)

HAMYOUNGWOOK-0309 34 SEGMENTS (RUNNING 00:03:56.016)



1. PAGE 8:23 TO 9:01 (RUNNING 00:00:13.361)

23 ALBERT KIM,
24 was duly sworn to act as English/Korean interpreter.
25
00009:01 YOUNG WOOK HAM,

2. PAGE 9:02 TO 9:03 (RUNNING 00:00:01.693)

02 having been first duly sworn, was examined and
03 testified as follows:

3. PAGE 12:20 TO 12:21 (RUNNING 00:00:07.041)

20 Q When were you first employed by Ottogi
21 America?

4. PAGE 12:22 TO 12:23 (RUNNING 00:00:05.478)

22 A I recall that as being in, say, September of
23 2009.

5. PAGE 12:24 TO 12:25 (RUNNING 00:00:04.489)

24 Q And were you employed by someone else before
25 September of 2009?

6. PAGE 13:01 TO 13:01 (RUNNING 00:00:01.766)

00013:01 A Yes, that's correct.

7. PAGE 13:02 TO 13:02 (RUNNING 00:00:01.392)

02 Q And by whom were you employed?

8. PAGE 13:03 TO 13:04 (RUNNING 00:00:05.082)

03 A So prior to coming on board with Ottogi
04 America, I used to work for a newspaper company.

9. PAGE 13:05 TO 13:06 (RUNNING 00:00:02.805)

05 Q And what was the name of the newspaper
06 company?

10. PAGE 13:07 TO 13:07 (RUNNING 00:00:04.124)

07 A It's called The Korea Times.

11. PAGE 13:08 TO 13:09 (RUNNING 00:00:05.075)

08 Q In what city did you work for The Korean
09 Times?

12. PAGE 13:13 TO 13:14 (RUNNING 00:00:07.580)

13 A So the city in which that company is located
14 is Oakland, California.

13. PAGE 22:01 TO 22:02 (RUNNING 00:00:07.640)

00022:01 Q When you first joined Ottogi America, what
02 was your job?

KoreanNoodles

14. PAGE 22:03 TO 22:05 (RUNNING 00:00:10.689)

03 A Well, if you're asking as to my title as of
04 when I first came on board, that I do not quite
05 recall.

15. PAGE 22:06 TO 22:07 (RUNNING 00:00:05.646)

06 Q What were your job responsibilities when you
07 first joined Ottogi America?

16. PAGE 22:08 TO 22:13 (RUNNING 00:00:21.992)

08 A I would say that the kind of work I first
09 conducted when I first came on board with the
10 company was to basically see to it that the
11 packaging and what have you as to Ottogi products
12 were appropriate for the respect of locality --
13 locale.

17. PAGE 25:15 TO 25:17 (RUNNING 00:00:15.196)

15 Q Could we just run through your different job
16 responsibilities from the year 2009 to the present,
17 and then we can talk about exactly what you did.

18. PAGE 25:18 TO 26:01 (RUNNING 00:00:31.809)

18 A So with respect to the work I first performed
19 after coming on board -- you know, that I've already
20 told you about, so you know that.
21 And thereafter, I began learning the ropes in
22 terms of the affairs pertaining to purchase orders.
23 And I also have gained some experience in terms of
24 sales. And when I say "sales," I'm talking about
25 calling on, say, Los Angeles area-based clientele of
00026:01 ours.

19. PAGE 26:02 TO 26:03 (RUNNING 00:00:05.678)

02 Q When did you first begin learning about
03 Ottogi America's purchase orders?

20. PAGE 26:04 TO 26:05 (RUNNING 00:00:06.759)

04 A Now, this may or may not be exact, but I'm
05 thinking perhaps beginning around 2010.

21. PAGE 53:20 TO 53:21 (RUNNING 00:00:03.667)

20 Q Are -- are you related to any employee of
21 Ottogi Korea?

22. PAGE 53:22 TO 53:22 (RUNNING 00:00:02.048)

22 A Yes, that's right.

23. PAGE 53:23 TO 53:23 (RUNNING 00:00:02.273)

23 Q And who are you related to?

24. PAGE 53:24 TO 53:25 (RUNNING 00:00:10.415)

24 A I'm cousins with the, say, present chairman
25 of Ottogi's parent company.

25. PAGE 54:01 TO 54:02 (RUNNING 00:00:03.123)

00054:01 Q And are you related to any employee of Ottogi
02 America?

KoreanNoodles

26. PAGE 54:03 TO 54:03 (RUNNING 00:00:01.622)

03 A Yes, I am.

27. PAGE 54:04 TO 54:05 (RUNNING 00:00:03.069)

04 Q And to whom are you related at Ottogi
05 America?

28. PAGE 54:06 TO 54:08 (RUNNING 00:00:12.456)

06 A I'm also cousins with the present president
07 of the -- the Ottogi America entity, whose name is
08 Young Jae Hahm.

29. PAGE 54:09 TO 54:10 (RUNNING 00:00:05.336)

09 Q And what's the name of the present chairman
10 of Ottogi's parent company?

30. PAGE 54:11 TO 54:11 (RUNNING 00:00:05.485)

11 A That would be Young Joon Hahm.

31. PAGE 54:12 TO 54:13 (RUNNING 00:00:07.425)

12 Q Are you related to any other employee of
13 either Ottogi America or Ottogi Korea?

32. PAGE 54:14 TO 54:14 (RUNNING 00:00:04.230)

14 A No, I'm not, not to my understanding.

33. PAGE 54:15 TO 54:16 (RUNNING 00:00:07.603)

15 Q And is Mr. Young Jae Hahm related to
16 Mr. Young Joon Hahm?

34. PAGE 54:17 TO 54:17 (RUNNING 00:00:01.969)

17 A Yes, likewise, they're cousins.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:03:56.016)

KoreanNoodles

Ham, Young Wook (Vol. 02) - 03/10/2016

1 CLIP (RUNNING 00:01:28.300)

HAMYOUNGWOOK-0310

5 SEGMENTS (RUNNING 00:01:28.300)



1. PAGE 147:03 TO 147:04 (RUNNING 00:00:08.518)

03 Q Do you remember asking Ottogi Korea for a list
04 of new products in the year 2009?

2. PAGE 147:05 TO 147:06 (RUNNING 00:00:13.148)

05 A I don't have an actual recollection, but it is
06 possible. May I just further elaborate on this.

3. PAGE 147:08 TO 147:15 (RUNNING 00:00:38.845)

08 A Ever since coming on board with the company in
09 2009 through I would say the 2014 time frame, I would
10 safely estimate the number of e-mails that Mr. Choi and
11 I had exchanged to probably number in, oh, I don't know,
12 in excess of 10,000 e-mails. And so it goes without
13 saying I think it's rather unrealistic for me to try to
14 recollect things from the early part of those years, in
15 fact.

4. PAGE 147:16 TO 147:17 (RUNNING 00:00:09.350)

16 Q Do you know why you requested a list of new
17 products from Mr. Choi?

5. PAGE 147:20 TO 147:23 (RUNNING 00:00:18.439)

20 THE WITNESS: Well, seeing as how every now and
21 then for update purposes I would make this type of a
22 request of Korea concerning product-related information,
23 given that I think this too is entirely possible.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:01:28.300)

COURT EXHIBIT 28b

Ottogi

 **Ham, Young W. (Vol. 01) - 03/09/2016**

1 CLIP (RUNNING 00:00:33.560)

 Young Wook Ham 11-13-18

YOUNGWOOKHAM1 **7 SEGMENTS (RUNNING 00:00:33.560)**



1. PAGE 14:20 TO 14:21 (RUNNING 00:00:04.544)

20 Q Did you have a job before you worked for The
21 Korea Times?

2. PAGE 14:22 TO 14:23 (RUNNING 00:00:03.089)

22 A Yes, I did.
23 Q And by whom were you employed?

3. PAGE 14:24 TO 15:02 (RUNNING 00:00:10.069)

24 A I worked for a Korean broadcast company, a
25 broadcast station.
00015:01 Q What was the name of the Korean broadcast
02 station?

4. PAGE 15:03 TO 15:04 (RUNNING 00:00:05.056)

03 A It's called KEMS.
04 Q And where is KEMS located?

5. PAGE 15:05 TO 15:07 (RUNNING 00:00:06.771)

05 A Right now, I don't recall the exact name of
06 the city, but as I recall, it was in the San Jose
07 vicinity.

6. PAGE 15:08 TO 15:08 (RUNNING 00:00:02.794)

08 Q And what was your position at KEMS?

7. PAGE 15:09 TO 15:09 (RUNNING 00:00:01.237)

09 A I was a PD. PD.

Ottogi

 **Ham, Young W. (Vol. 02) - 03/10/2016**

1 CLIP (RUNNING 00:01:05.253)

 **Young Wook Ham 11-14-18**

YOUNGWOOKHAM2

5 SEGMENTS (RUNNING 00:01:05.253)



1. PAGE 147:25 TO 148:02 (RUNNING 00:00:13.215)

25 Q I guess what I'm getting at was -- is there a
00148:01 specific business purpose that you can recall for which
02 you would ask Mr. Choi for a list of new product?

2. PAGE 148:05 TO 148:07 (RUNNING 00:00:11.200)

05 THE WITNESS: Well, normally such an, say,
06 inquiry or request might be made for purposes of
07 updating product information.

3. PAGE 149:01 TO 149:03 (RUNNING 00:00:14.741)

00149:01 Q And what would you personally do with the
02 attached list of products that Ottogi Korea exports to
03 Ottogi America?

4. PAGE 149:04 TO 149:10 (RUNNING 00:00:24.381)

04 A To speak in terms of any work that would make
05 use of this kind of information in this particular file,
06 I would say that mostly it would be in terms of purchase
07 orders.
08 Q And when you refer to purchase orders, you mean
09 purchase orders that Ottogi America would send to Ottogi
10 Korea?

5. PAGE 149:11 TO 149:11 (RUNNING 00:00:01.716)

11 A That is right.

TOTAL: 2 CLIPS FROM 2 DEPOSITIONS (RUNNING 00:01:38.813)

COURT EXHIBIT 29a

KoreanNoodles

Ku, Bangwan (Vol. 01) - 04/05/2016

1 CLIP (RUNNING 00:00:59.142)

KUBANGWAN-0405

14 SEGMENTS (RUNNING 00:00:59.142)



1. PAGE 5:12 TO 5:16 (RUNNING 00:00:11.765)

12 A L B E R T K I M,
13 the interpreter, having first
14 been duly sworn by Sharon Lengel,
15 the Notary Public, interpreted
16 the testimony as follows:

2. PAGE 5:17 TO 5:21 (RUNNING 00:00:01.184)

17 B A N G W A N K U,
18 having first been duly sworn by
19 Sharon Lengel, the Notary Public,
20 was examined and testified as
21 follows:

3. PAGE 6:25 TO 7:02 (RUNNING 00:00:03.066)

25 Q. Okay. Sir, by whom are you
00007:01
02 currently employed?

4. PAGE 7:03 TO 7:04 (RUNNING 00:00:04.570)

03 A. That would be Ottogi Corporation
04 Limited.

5. PAGE 7:05 TO 7:06 (RUNNING 00:00:03.957)

05 Q. And how long have you been
06 employed by Ottogi Corporation Limited?

6. PAGE 7:07 TO 7:07 (RUNNING 00:00:04.035)

07 A. It's been 16 years.

7. PAGE 7:08 TO 7:09 (RUNNING 00:00:05.065)

08 Q. And what was the first position
09 you held at Ottogi Corporation Limited?

8. PAGE 7:10 TO 7:10 (RUNNING 00:00:01.972)

10 A. I was an associate.

9. PAGE 7:11 TO 7:12 (RUNNING 00:00:04.492)

11 Q. And were you an associate in a
12 particular department or division?

10. PAGE 7:13 TO 7:14 (RUNNING 00:00:04.239)

13 A. You're talking about where I
14 belonged to in the company?

11. PAGE 7:15 TO 7:15 (RUNNING 00:00:00.767)

15 Q. Exactly.

12. PAGE 7:16 TO 7:17 (RUNNING 00:00:06.237)

16 A. Yes. I served within a unit in
17 the company.

KoreanNoodles

13. PAGE 7:18 TO 7:18 (RUNNING 00:00:02.235)

18 Q. What was the name of the unit?

14. PAGE 7:19 TO 7:20 (RUNNING 00:00:05.558)

19 A. It was the sales planning
20 office.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:00:59.142)

KoreanNoodles

Ku, Bangwan (Vol. 03) - 04/07/2016

1 CLIP (RUNNING 00:18:25.709)

KUBANGWAN-0407

81 SEGMENTS (RUNNING 00:18:25.709)



1. PAGE 79:15 TO 79:16 (RUNNING 00:00:02.383)

15 Q. Can you tell me what Exhibit 146
16 is.

2. PAGE 79:17 TO 79:20 (RUNNING 00:00:12.877)

17 A. So this appears to be something
18 that we submitted to the KFTC in response
19 to a request by them to submit something
20 in writing.

3. PAGE 79:21 TO 79:23 (RUNNING 00:00:16.247)

21 Q. Can you tell me what the page
22 that ends in the Bates Nos. 5205 is
23 intended to depict.

4. PAGE 79:24 TO 80:12 (RUNNING 00:00:56.459)

24 A. So what this entails are the
25 details from the year 2001 and on,
00080:01
02 concerning the raising of the price of
03 Ramen in terms of, firstly, the number of
04 items to be affected, the number of items
05 for which the prices were raised, and the
06 average increase as to the price, taking
07 into -- taking into consideration the
08 discount rate and the ultimate resultant,
09 say, applicable rate, seen as a matter of
10 percentage. And it further entails the
11 list of individuals who participated in
12 the matter.

5. PAGE 80:13 TO 80:15 (RUNNING 00:00:12.913)

13 Q. Did you assist in the
14 preparation of the page ending in 5205 of
15 Exhibit 146?

6. PAGE 80:16 TO 80:16 (RUNNING 00:00:03.490)

16 A. Did I prepare this, do you mean?

7. PAGE 80:17 TO 80:19 (RUNNING 00:00:06.319)

17 Q. Yes.
18 A. My recollection is that I did,
19 yes.

8. PAGE 82:18 TO 82:19 (RUNNING 00:00:09.801)

18 Q. In the year 2010, was there a
19 price increase or a price decrease?

9. PAGE 82:20 TO 82:20 (RUNNING 00:00:03.430)

20 A. There had been a price decrease.

KoreanNoodles

10. PAGE 82:21 TO 82:22 (RUNNING 00:00:08.478)

21 Q. What was the date of approval of
22 the price decrease in the year 2010?

11. PAGE 82:23 TO 82:24 (RUNNING 00:00:13.044)

23 A. It had been decided on February
24 the 3rd of 2010.

12. PAGE 82:25 TO 83:02 (RUNNING 00:00:04.702)

25 Q. What was the purpose of the
00083:01
02 price decrease in the year 2010?

13. PAGE 83:03 TO 83:05 (RUNNING 00:00:09.493)

03 A. When you ask in terms of the
04 purpose, what precisely are you trying to
05 find out?

14. PAGE 83:06 TO 83:07 (RUNNING 00:00:06.132)

06 Q. Why did Ottogi lower the price
07 of Korean Ramen product in the year 2010?

15. PAGE 83:08 TO 83:21 (RUNNING 00:01:06.612)

08 A. So sometime towards the end of
09 January of 2010, we underwent an
10 investigation by the KFTC. And my
11 recollection is that, basically, what
12 those people at the KFTC were saying is,
13 "Hey, folks, how come none of you folks in
14 the Ramen sector are lowering your prices,
15 in view of how there had been a price
16 reduction as to your raw materials?"
17 And this wasn't necessarily
18 around February. But it was sort of
19 something that preceded that. But anyway,
20 so as you can see, they were kind of
21 putting pressure on us, and so that's why.

16. PAGE 83:22 TO 83:24 (RUNNING 00:00:08.711)

22 Q. Is that the only reason why
23 Ottogi decreased the price of Ramen in the
24 year 2010?

17. PAGE 83:25 TO 84:23 (RUNNING 00:01:12.992)

25 A. So if the truth be known, on
00084:01
02 that occasion in 2010, the only thing that
03 had risen in price -- the only thing that
04 had, in fact, fallen in price was flour.
05 All else, such as utilities -- and we're
06 speaking mostly in terms of electricity
07 and the fuel costs -- water, et cetera, et
08 cetera -- you know, they hadn't budged.
09 And -- and so internally, there
10 had been some past occasion in which we
11 didn't -- we felt like we didn't really
12 get to raise things to a sufficient level.
13 And so come this occasion, we were just
14 sort of staying the course without
15 lowering the cost. But then the KFTC guys
16 were asking, "Hey, how come you guys
17 aren't reducing your price, in view of how

KoreanNoodles

18 the raw materials had gone down?"
 19 So on account of that, because
 20 of the pressures put on us, we basically
 21 lowered -- reduced the price of our Ramen.
 22 I would say that that's really the biggest
 23 reason, the only reason.

18. PAGE 85:03 TO 85:04 (RUNNING 00:00:02.265)

03 THE INTERPRETER: "That is the
 04 biggest reason."

19. PAGE 85:06 TO 85:08 (RUNNING 00:00:12.303)

06 Q. What Ottogi employee
 07 specifically was told to decrease the
 08 price of Ramen in the year 2010?

20. PAGE 85:11 TO 85:18 (RUNNING 00:00:23.451)

11 A. To my recollection, I think it
 12 was basically my departmental head and
 13 I --
 14 THE INTERPRETER: Strike.
 15 A. -- my departmental head who had
 16 undergone the investigation at that time
 17 and I. We got to hear that. We were told
 18 that.

21. PAGE 85:19 TO 85:22 (RUNNING 00:00:11.133)

19 Q. Tell me everything you can about
 20 this discussion where the KFTC told Ottogi
 21 to lower its price of Korean Ramen product
 22 in the year 2010.

22. PAGE 85:23 TO 86:15 (RUNNING 00:00:50.043)

23 A. So in that year, they came out
 24 in the typical fashion that they came out
 25 in on other occasions, and they basically
 00086:01
 02 started citing the monopoly regulations
 03 and so forth and went about their
 04 investigation.
 05 And about an hour into the
 06 matter, that's when they began talking
 07 about, "Hey, how come, in view of the fact
 08 that the price of flour had fallen, you
 09 guys are not reducing your price? We're a
 10 little curious," they said.
 11 So seeing as how they kept on
 12 saying that, that is when we began
 13 thinking, Oh, so these guys want us to
 14 reduce the price of Ramen. And -- well,
 15 yeah. That's it.

23. PAGE 86:16 TO 86:17 (RUNNING 00:00:04.840)

16 Q. Do you recall what date in the
 17 year 2010 this conversation occurred?

24. PAGE 86:18 TO 86:24 (RUNNING 00:00:20.671)

18 A. So it's generally the end of
 19 January in 2010. And I am not sure if I
 20 recall the specific date, but I think we
 21 could just speak in terms of it being the
 22 30th or thereabouts. But I don't recall
 23 the specific date without looking at some

KoreanNoodles

24 relevant documents.

25. PAGE 87:13 TO 87:16 (RUNNING 00:00:11.191)

13 Q. And just so the record's clear,
14 what was the name of your department head
15 in January of 2010 that attended this
16 meeting with you?

26. PAGE 87:17 TO 87:17 (RUNNING 00:00:03.616)

17 A. Mr. Young Hyun Doh.

27. PAGE 87:18 TO 87:20 (RUNNING 00:00:09.576)

18 Q. Was anybody else in the room
19 besides you, Mr. Doh, and the KFTC
20 employee whose name you don't recall?

28. PAGE 87:21 TO 88:10 (RUNNING 00:00:34.967)

21 A. I don't think you should assume
22 necessarily that this took place in a
23 particular room, or certainly not in one
24 spot, because, as I said, these people
25 kept on sort of saying, "Hey, look. We're
00088:01 really curious. How come you guys aren't
02 lowering your prices? How come? Why
03 not?"
04 And they would say that, say, at
05 my spot, when going through my computer,
06 they'd say that in the conference room and
07 so forth, you know, continually saying,
08 "We're a little curious here." So it
09 wasn't necessarily in one location.
10

29. PAGE 88:11 TO 88:15 (RUNNING 00:00:13.150)

11 Q. Do you recall anyone else being
12 present besides you and Mr. Doh when
13 the -- when any KFTC employee suggested
14 that Ottogi lower its prices in the year
15 2010?

30. PAGE 88:16 TO 88:20 (RUNNING 00:00:19.427)

16 A. It's not like anybody was
17 present in the sense of participating.
18 But, you know, there were people within
19 our department, just around us, so to say.
20 That's the sort of situation.

31. PAGE 88:21 TO 88:24 (RUNNING 00:00:12.766)

21 Q. As you sit here today, do you
22 know anyone else that heard the KFTC
23 suggest to Ottogi that it lower the price
24 of Korean Ramen product in the year 2010?

32. PAGE 88:25 TO 89:09 (RUNNING 00:00:22.368)

25 A. Well, the thing about that is,
00089:01 it's not like those other individuals were
02 undergoing this investigation themselves,
03 so there's no telling if they'd heard
04 things. I suppose they might have heard
05 things, but it's possible that they might
06 have -- may have since forgotten about
07 that. But at the least, they were close
08

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09 enough. They were nearby.

33. PAGE 89:10 TO 89:11 (RUNNING 00:00:02.507)

10 Q. What did you do when you heard
11 this?

34. PAGE 89:12 TO 89:22 (RUNNING 00:00:35.333)

12 A. So when I first heard that, I
13 don't believe I really caught on to what
14 was going on. I didn't know how to take
15 it. But seeing as how the man kept
16 repeating himself over and over again, I
17 think there comes a point when a normal
18 person starts getting the picture. So I
19 guess, towards the afternoon hours, at one
20 point in time, we basically said, Okay.
21 We might basically look into the
22 possibility of reducing price.

35. PAGE 89:23 TO 89:25 (RUNNING 00:00:10.970)

23 Q. Did you write a email to anyone
24 about the KFTC suggesting that Ottogi
25 lower its price in the year 2010?

36. PAGE 90:02 TO 90:09 (RUNNING 00:00:25.001)

02 A. I'm thinking that there was no
03 email. In fact, everything happened
04 basically on that very day. I'm talking
05 about starting with that, you know,
06 discussion all the way through a decision
07 certain that there will be, in fact, a
08 reduction. So I don't think -- no, there
09 was no email.

37. PAGE 91:13 TO 91:14 (RUNNING 00:00:06.149)

13 Q. Did the KFTC visit Ottogi's
14 premises in the year 2008?

38. PAGE 91:15 TO 91:16 (RUNNING 00:00:04.245)

15 A. Yes. They had also come by in
16 2008.

39. PAGE 91:17 TO 91:19 (RUNNING 00:00:06.503)

17 Q. Does Ottogi know the exact date
18 when the KFTC visited its premises in the
19 year 2008?

40. PAGE 91:20 TO 92:02 (RUNNING 00:00:19.948)

20 A. So I'm thinking that this was, I
21 think, probably in June. In fact, I am
22 thinking it was on the 3rd of June that
23 year in 2008. And the reason why I say
24 that is because I looked into that, as
25 part of, you know, my work here in this
00092:01
02 matter.

41. PAGE 92:22 TO 92:25 (RUNNING 00:00:07.594)

22 Q. The very first time that the
23 KFTC visited, which I believe you've said
24 is 2008, tell me what happened on that
25 visit.

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42. PAGE 93:02 TO 93:09 (RUNNING 00:00:40.755)

02 A. So the first thing they did when
03 they came a calling, they closed all the
04 doors. Then they unplugged all the
05 shredders. And after that, they said,
06 "Now, starting from this point on, nobody
07 gets to leave." And then they looked for
08 the department or departments that are
09 responsible for handling price.

43. PAGE 93:10 TO 93:10 (RUNNING 00:00:01.443)

10 Q. Did -- what did they do next?

44. PAGE 93:11 TO 93:19 (RUNNING 00:00:29.873)

11 A. And then they showed some sort
12 of an official document to us, saying
13 that, pursuant to such and such statutes
14 having to do with the monopoly regulation
15 and whatnot, they said they are now
16 commencing an investigation into possible
17 violations under such law and started
18 sifting through our documents and going
19 through our computers.

45. PAGE 93:20 TO 93:21 (RUNNING 00:00:03.483)

20 Q. In what departments did they go
21 through documents?

46. PAGE 93:22 TO 94:04 (RUNNING 00:00:23.668)

22 A. Well, so basically, since it was
23 our department that handled price-related
24 matters, I told you that they asked as to
25 which department was responsible for that.
00094:01
02 So they were basically led to us, and they
03 basically started talking to, well, all of
04 us there.

47. PAGE 94:05 TO 94:06 (RUNNING 00:00:03.917)

05 Q. When you say "us," do you mean
06 the sales planning department?

48. PAGE 94:07 TO 94:13 (RUNNING 00:00:24.707)

07 A. That's right. So initially,
08 they basically dealt with everybody in the
09 unit, and then, over the course of some
10 time, they eventually started dealing
11 mostly with the actual hands-on person
12 with respect to price and the head of the
13 department.

49. PAGE 94:14 TO 94:17 (RUNNING 00:00:04.152)

14 Q. And, again, when you say "the
15 department," you're talking about the
16 sales planning department; is that
17 correct?

50. PAGE 94:18 TO 94:18 (RUNNING 00:00:01.941)

18 A. Yes. That's correct.

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51. PAGE 94:19 TO 94:20 (RUNNING 00:00:02.637)

19 Q. Did the KFTC visit any other
20 departments?

52. PAGE 94:21 TO 95:04 (RUNNING 00:00:18.774)

21 A. I mean, yes, basically, they'd
22 kind of, you know, stop by or pop -- pop
23 in and out. But it wasn't really in the
24 sense of conducting an investigation. It
25 was really just to kind of see what kind
00095:01
02 of documents there may or may not be. It
03 was just kind of, like, a quick
04 swing-through.

53. PAGE 106:10 TO 106:12 (RUNNING 00:00:05.492)

10 Q. And can you tell me when you've
11 familiarized yourself with Exhibit 147,
12 please.

54. PAGE 106:19 TO 106:20 (RUNNING 00:00:03.100)

19 Q. What is the first page of
20 Exhibit 147?

55. PAGE 106:21 TO 106:25 (RUNNING 00:00:20.936)

21 A. So this is a -- an inception
22 document -- a request for approval
23 document, a poomeui document -- that we
24 obtained the CEO's approval on, concerning
25 the idea of reducing the price of Ramen.

56. PAGE 107:02 TO 107:03 (RUNNING 00:00:04.992)

02 Q. And do you see the CEO's
03 approval anywhere on Exhibit 147?

57. PAGE 107:04 TO 107:05 (RUNNING 00:00:05.515)

04 A. I'm sorry. Do you mean the list
05 of those who approved it or what?

58. PAGE 107:06 TO 107:07 (RUNNING 00:00:07.804)

06 Q. Is the CEO's -- is Ottogi CEO
07 approval reflected on Exhibit 147?

59. PAGE 107:08 TO 107:08 (RUNNING 00:00:01.916)

08 A. Yes.

60. PAGE 107:09 TO 107:09 (RUNNING 00:00:01.409)

09 Q. And in which box?

61. PAGE 107:10 TO 107:11 (RUNNING 00:00:09.657)

10 A. The right-most box within the
11 first, say, table.

62. PAGE 107:12 TO 107:15 (RUNNING 00:00:15.525)

12 Q. Is this the document that you
13 just mentioned that reflects the decision
14 to lower the price in the year 2010 of
15 Korean Ramen?

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63. PAGE 107:16 TO 107:16 (RUNNING 00:00:02.294)

16 A. Yes. That's correct.

64. PAGE 107:17 TO 107:18 (RUNNING 00:00:07.501)

17 Q. Can you tell me what Exhibit 147
18 says directly below the second box.

65. PAGE 107:19 TO 108:02 (RUNNING 00:00:42.363)

19 A. "In view of the reduction in
20 imported raw and sub-material costs, such
21 as flour, et cetera, and a drop in the
22 foreign exchange rate, the desire to
23 institute a reduction of the choalgo price
24 and consumer price of Ramen varieties --
25 Ramen varieties, wherefore your approval
00108:01
02 is kindly requested."

66. PAGE 108:05 TO 108:07 (RUNNING 00:00:06.359)

05 Q. Can you tell me what this
06 document says next to the paragraph that
07 begins with the No. 1.

67. PAGE 108:08 TO 108:11 (RUNNING 00:00:26.009)

08 A. It reads, "Reduction of consumer
09 price concerning Ramen varieties based
10 upon a drop in the cost of raw and
11 sub-materials such as flour, et cetera."

68. PAGE 108:12 TO 108:12 (RUNNING 00:00:01.922)

12 Q. Did you prepare Exhibit 147?

69. PAGE 108:13 TO 108:14 (RUNNING 00:00:03.297)

13 A. Yes. This is something I
14 created.

70. PAGE 108:15 TO 108:16 (RUNNING 00:00:03.509)

15 Q. On what date did you prepare
16 Exhibit 147?

71. PAGE 108:17 TO 108:18 (RUNNING 00:00:07.606)

17 A. According to the document, it is
18 shown to have been on February the 2nd.

72. PAGE 108:19 TO 108:20 (RUNNING 00:00:02.456)

19 Q. And that's the second line in
20 the second box; correct?

73. PAGE 108:21 TO 108:21 (RUNNING 00:00:01.912)

21 A. Yes. That's correct.

74. PAGE 108:22 TO 108:24 (RUNNING 00:00:09.461)

22 Q. Does this -- does Exhibit 147
23 mention in any place that the KFTC asked
24 Ottogi to lower the price of Ramen?

75. PAGE 109:04 TO 109:05 (RUNNING 00:00:06.034)

04 A. No. There is no such gist on
05 this table.

KoreanNoodles

76. PAGE 109:06 TO 109:08 (RUNNING 00:00:06.330)

06 Q. Is there any reason you didn't
07 just say the KFTC told Ottogi to lower the
08 price of Ramen?

77. PAGE 109:11 TO 109:13 (RUNNING 00:00:12.634)

11 A. Sir, there is not one single
12 person in any corporate company in Korea
13 who can dare write something like that.

78. PAGE 109:14 TO 109:14 (RUNNING 00:00:01.132)

14 Q. Why not?

79. PAGE 109:17 TO 109:23 (RUNNING 00:00:18.970)

17 A. Well, I mean, I don't know.
18 It's my view that I think you'd be
19 hard-pressed to come up with one single
20 company that has the guts to reflect
21 something to such effect that, Oh, it's
22 the government who's forcing us to reduce
23 the price.

80. PAGE 109:24 TO 109:24 (RUNNING 00:00:01.267)

24 Q. Why?


81. PAGE 110:10 TO 110:20 (RUNNING 00:00:28.857)

10 A. Well, with due respect, I can
11 only give you the same answer. Basically,
12 again, I don't believe that you're going
13 to find any company, any person, who would
14 dare reflect in any of their documents,
15 "Hey, could you please grant us approval
16 on account of the fact that, say, the
17 National Tax Service or the KFTC is
18 putting pressure on us, so please grant
19 thy approval." I don't think you're going
20 to find that.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:18:25.709)

COURT EXHIBIT 29b

Ottogi

 **Ku, Bangwan (Vol. 01) - 04/05/2016**

1 CLIP (RUNNING 00:00:22.027)

 Bangwan Ku 11-14-18

BK1

2 SEGMENTS (RUNNING 00:00:22.027)



1. PAGE 19:14 TO 19:18 (RUNNING 00:00:19.921)

14 Q. Does the sales planning unit
15 have any responsibilities for planning
16 with respect to the sale of Korean Ramen
17 product that will be exported to other
18 countries?

2. PAGE 19:19 TO 19:19 (RUNNING 00:00:02.106)

19 A. No, not at all.

Ottogi

 **Ku, Bangwan (Vol. 01) - 04/07/2016**

1 CLIP (RUNNING 00:02:31.638)

 Bangwan Ku 11-14-18

BK3

9 SEGMENTS (RUNNING 00:02:31.638)

**1. PAGE 95:05 TO 95:06 (RUNNING 00:00:05.153)**

05 Q. What employees of the sales
06 planning department did they speak with?

2. PAGE 95:07 TO 95:10 (RUNNING 00:00:09.703)

07 A. It was mostly with me and the
08 head of our unit, Mr. Young Hyun Doh.
09 Q. Do you know any other employees
10 that they spoke with?

3. PAGE 95:11 TO 95:17 (RUNNING 00:00:22.695)

11 A. Well, yeah. I mean, as I said,
12 they'd -- they were going through
13 everybody's computers and cabinetries.
14 And so basically, everybody did end up
15 talking with them.
16 Q. What specifically did they do
17 with employees' computers?

4. PAGE 95:18 TO 95:21 (RUNNING 00:00:14.608)

18 A. The computers belonging to our
19 people, the team members; yeah?
20 Q. How did they examine employees'
21 computers?

5. PAGE 95:22 TO 96:08 (RUNNING 00:00:27.746)

22 A. Well, since, at the time, when
23 they were going through other people's
24 computers, they were also going through my
25 own computer, so I really don't exactly
00096:01 KU - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 know as to what they may have been doing
03 in terms of other people's computers. But
04 what seemed to be the case to me was that
05 they were using the search function in
06 Windows to plug in some, say, search words
07 to look for certain things. That's how it
08 seemed to me.

6. PAGE 97:23 TO 97:24 (RUNNING 00:00:06.995)

23 Q. Did the KFTC take any documents
24 when they left Ottogi's presence?

7. PAGE 97:25 TO 98:03 (RUNNING 00:00:04.931)

25 A. Yes. They did take documents.
00098:01 KU - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 Q. What types of documents did the
03 KFTC take?

8. PAGE 98:04 TO 98:15 (RUNNING 00:00:31.488)

04 A. So what I'm thinking is that
05 they basically took back with them certain
06 things about our revenue, our revenue

Ottogi

07 performance figures, certain contracts or
08 agreements with our customers, certain
09 work-related reports having to do with
10 such things as the task force team that
11 was set up for the purposes of upgrading
12 our computer system, et cetera, et cetera.
13 Q. Do you recall any other
14 categories of documents that the KFTC took
15 with them?

9. PAGE 98:16 TO 98:24 (RUNNING 00:00:28.319)

16 A. Well, so I'm thinking that they
17 also took back with them those
18 work-related communiquis that we send to
19 our branches, you know, basically things
20 that had been printed out, and also such
21 work-related communiquis used for the
22 purposes of notifying the release of new
23 products, things like that. I think it
24 was mostly work-related communiquis.

TOTAL: 2 CLIPS FROM 2 DEPOSITIONS (RUNNING 00:02:53.665)

COURT EXHIBIT 29c

KoreanNoodles

Ku, Bangwan (Vol. 04) - 04/08/2016**1 CLIP (RUNNING 00:02:49.022)**

ReDirect

KUBANGWAN-0407R**19 SEGMENTS (RUNNING 00:02:49.022)****1. PAGE 84:08 TO 84:09 (RUNNING 00:00:03.258)**

08 All right, sir. So take a look
09 at 148. We discussed it yesterday.

2. PAGE 84:10 TO 84:13 (RUNNING 00:00:14.216)

10 A. Yes. I have looked at it.
11 Q. All right. And your email
12 address at Ottogi is sky --
13 sky@ottogi.co.kr; is that correct?

3. PAGE 84:14 TO 84:14 (RUNNING 00:00:02.304)

14 A. Yes. That is correct.

4. PAGE 84:23 TO 85:02 (RUNNING 00:00:10.478)

23 Sir, do you know if the -- the
24 email that has been marked as Exhibit 148
25 could still be accessed by you on your
00085:01
02 email?

5. PAGE 85:09 TO 85:10 (RUNNING 00:00:06.274)

09 A. Yes. It's correct as to being
10 my email address.

6. PAGE 85:11 TO 85:14 (RUNNING 00:00:09.181)

11 Q. Right. But can you still access
12 the email? Like, if you were to go back
13 to your computer after the deposition
14 today, could you pull this email up?

7. PAGE 85:15 TO 85:18 (RUNNING 00:00:09.680)

15 A. Well, you know, since there
16 isn't anything that I've erased, you
17 know -- and it's correct as being my
18 present email address. So --

8. PAGE 85:19 TO 85:21 (RUNNING 00:00:11.229)

19 Q. All right. So tell me, from
20 June 3, 2008, have you deleted any emails
21 off of your computer?

9. PAGE 85:22 TO 85:25 (RUNNING 00:00:12.241)

22 A. Starting in 2008? Yeah. If the
23 overall capacity tends to overflow, then
24 there are certain things I have deleted.
25 Yeah.

10. PAGE 86:02 TO 86:04 (RUNNING 00:00:04.486)

02 Q. All right. And what sort of
03 things have you deleted since June of
04 2008?

KoreanNoodles

11. PAGE 86:07 TO 86:08 (RUNNING 00:00:07.424)

07 A. There's just too many things. I
08 can't recall them specifically one by one.

12. PAGE 86:09 TO 86:11 (RUNNING 00:00:04.728)

09 Q. Have you deleted any emails that
10 concern the pricing of Korean Ramen
11 products?

13. PAGE 86:12 TO 86:14 (RUNNING 00:00:09.611)

12 A. So the time criteria is what in
13 terms of any deletion? When are we
14 talking about?

14. PAGE 86:15 TO 86:15 (RUNNING 00:00:01.697)

15 Q. June 3, 2008.

15. PAGE 86:16 TO 86:19 (RUNNING 00:00:11.651)

16 A. What I mean is any potential
17 deletion on my part -- when are we talking
18 about? 2009? 2010? When are we talking
19 about?

16. PAGE 86:20 TO 86:20 (RUNNING 00:00:02.894)

20 Q. At any point after June 3, 2008.

17. PAGE 86:21 TO 86:21 (RUNNING 00:00:03.536)

21 A. Oh, yeah, I have.

18. PAGE 90:06 TO 90:09 (RUNNING 00:00:15.821)

06 Q. So my question is this: To your
07 knowledge, sir, did anyone on the
08 marketing team delete documents after the
09 KFTC visited on June 3, 2008?

19. PAGE 90:12 TO 90:23 (RUNNING 00:00:28.313)

12 A. Well, if they did, if anybody
13 did, it's not something I would
14 necessarily know about, because that's
15 within the marketing team.
16 But more importantly, after
17 they'd come by, it's not like the KFTC
18 folks had instructed us not to delete
19 anything. And so I think it's entirely
20 possible that such could have taken place.
21 I mean, I myself have deleted things, and
22 just, you know, I think that's entirely
23 possible within the company.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:02:49.022)

COURT EXHIBIT 30a

KoreanNoodles

Lee, Hosuk (Vol. 01) - 03/07/2016

1 CLIP (RUNNING 00:02:33.589)

LEEHO Suk-0307

22 SEGMENTS (RUNNING 00:02:33.589)



1. PAGE 9:01 TO 9:04 (RUNNING 00:00:16.785)

00009:01 ALBERT KIM,
02 was duly sworn to act as English/Korean interpreter.
03
04 HOSUK LEE,

2. PAGE 9:05 TO 9:06 (RUNNING 00:00:01.378)

05 having been first duly sworn, was examined and
06 testified as follows:

3. PAGE 10:05 TO 10:05 (RUNNING 00:00:01.458)

05 Q Now, are you currently employed?

4. PAGE 10:06 TO 10:06 (RUNNING 00:00:01.633)

06 A Yes, I am.

5. PAGE 10:07 TO 10:07 (RUNNING 00:00:01.065)

07 Q And who is your employer?

6. PAGE 10:08 TO 10:08 (RUNNING 00:00:03.166)

08 A That would be Ottogi America.

7. PAGE 10:09 TO 10:09 (RUNNING 00:00:02.239)

09 Q How long have you been with Ottogi America?

8. PAGE 10:10 TO 10:10 (RUNNING 00:00:01.757)

10 A Eight years.

9. PAGE 13:18 TO 13:19 (RUNNING 00:00:08.193)

18 Q Okay. Mr. Lee, when you began working for
19 Ottogi Korea in 2007, what was your position?

10. PAGE 13:20 TO 13:21 (RUNNING 00:00:05.222)

20 A My position? Well, I was just a lay
21 associate.

11. PAGE 13:22 TO 13:22 (RUNNING 00:00:02.496)

22 Q What were your job duties as a lay associate?

12. PAGE 13:23 TO 13:23 (RUNNING 00:00:01.882)

23 A Sales.

13. PAGE 13:24 TO 14:01 (RUNNING 00:00:07.290)

24 Q And what were your duties in sales? What is
25 it that you did while you were working for Ottogi
00014:01 Korea in sales?

14. PAGE 14:06 TO 14:07 (RUNNING 00:00:08.913)

06 So that entails the sale of our products to
07 parties with whom we transact business.

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15. PAGE 27:14 TO 27:15 (RUNNING 00:00:05.758)

14 Q Okay. How is it that you became dispatched
15 from Ottogi Korea?

16. PAGE 27:16 TO 27:18 (RUNNING 00:00:13.245)

16 A Well, at that time, I guess I heard as to how
17 they needed somebody to handle sales in the U.S.,
18 and ultimately, I was assigned to fill that.

17. PAGE 41:22 TO 41:23 (RUNNING 00:00:06.216)

22 Q Were you a manager in sales in March of 2008
23 when you began there?

18. PAGE 42:01 TO 42:05 (RUNNING 00:00:21.841)

00042:01 THE WITNESS: So -- well, in terms of the way
02 I was referred to, at first it was just Mr. Lee.
03 And, of course, you know, there came a time when I
04 went through a promotion, and ultimately, I became a
05 manager within sales.

19. PAGE 42:07 TO 42:09 (RUNNING 00:00:08.445)

07 Q So the job duties that you have today are not
08 the job duties exactly that you had when you started
09 in March of 2008; is that correct?

20. PAGE 42:14 TO 42:18 (RUNNING 00:00:16.759)

14 THE WITNESS: Well, basically, I'm still
15 conducting sales. And given the passage of time,
16 although it's certainly possible that there could
17 have been some changes over time, I basically still
18 conduct sales.

21. PAGE 94:18 TO 94:19 (RUNNING 00:00:06.252)

18 Q Do you know what the business relationship is
19 between Ottogi Korea and Ottogi America?

22. PAGE 94:23 TO 94:25 (RUNNING 00:00:11.596)

23 THE WITNESS: As far as my understanding
24 goes, we bring over product from Ottogi Korea and
25 sell it here.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:02:33.589)

KoreanNoodles

Lee, Hosuk (Vol. 02) - 03/08/2016

1 CLIP (RUNNING 00:08:35.855)

LEEHO Suk-0308

47 SEGMENTS (RUNNING 00:08:35.855)



1. PAGE 207:23 TO 207:24 (RUNNING 00:00:05.188)

23 Ottogi Korea sells product -- sells Korean
24 ramen to Ottogi America; is that correct?

2. PAGE 207:25 TO 207:25 (RUNNING 00:00:02.177)

25 A Yes, that's correct.

3. PAGE 208:01 TO 208:02 (RUNNING 00:00:07.165)

00208:01 Q Ottogi Am- -- Ottogi Korea sells to Ottogi
02 America the ramen at a certain price, correct?

4. PAGE 208:03 TO 208:05 (RUNNING 00:00:12.557)

03 A Well, this notion of a certain price, that's
04 a little you know what, but, you know, there's a
05 particular price.

5. PAGE 208:06 TO 208:06 (RUNNING 00:00:00.837)

06 Q There's a price.

6. PAGE 208:07 TO 208:07 (RUNNING 00:00:01.736)

07 A Yeah, yeah, yeah.

7. PAGE 208:08 TO 208:10 (RUNNING 00:00:07.161)

08 Q Okay. The question is, do you know how
09 Ottogi Korea sets that price? Establishes that
10 price, try.

8. PAGE 208:13 TO 208:13 (RUNNING 00:00:01.639)

13 THE WITNESS: I don't know.

9. PAGE 208:15 TO 208:17 (RUNNING 00:00:10.310)

15 Q Do you know how Ottogi America establishes
16 and sets -- or sets its price of Korean ramen
17 product to its customers?

10. PAGE 208:19 TO 208:20 (RUNNING 00:00:07.930)

19 THE WITNESS: Well, I'll tell you only to the
20 extent I have an understanding.

11. PAGE 208:21 TO 209:14 (RUNNING 00:01:27.355)

21 So when going about setting the price of --
22 the price as to certain products, what takes place
23 is we gather -- and by we, I'm talking about us
24 within sales, mostly, that is, and we basically have
25 a discussion saying that with this item, it seems
00209:01 that maybe yea much is appropriate. And that's how
02 things go.
03 And -- and after we arrive at a particular
04 price level, that gets proffered to the ultimate
05 decision-making authority, who is our -- the -- our
06 president, the president of our company.

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07 Now, said gentleman will look at that price,
08 and, of course, you know, he will also take into
09 consideration the price at which the goods are
10 brought in from Korea, right? And makes some sort
11 of a decision one way or another as to whether this
12 is okay or not okay or this is appropriate or not
13 appropriate and, you know, make some sort of a final
14 decision.

12. PAGE 213:15 TO 213:17 (RUNNING 00:00:16.293)

15 Q Now, you testified that in -- in establishing
16 the price, at some point in time, the president
17 authorizes a price for products, correct?

13. PAGE 213:18 TO 213:18 (RUNNING 00:00:01.741)

18 A Yes, that's correct.

14. PAGE 213:19 TO 213:20 (RUNNING 00:00:07.469)

19 Q And the price would be for each individual
20 product that you're selling to your customers?

15. PAGE 213:21 TO 213:23 (RUNNING 00:00:08.529)

21 A What? The price involved in terms of the
22 determination of the pricing that we've been talking
23 about?

16. PAGE 213:24 TO 213:25 (RUNNING 00:00:03.819)

24 Q The price that -- the price that the
25 president has authorized the products to be sold at.

17. PAGE 214:03 TO 214:07 (RUNNING 00:00:26.836)

03 THE WITNESS: Well, sir, my understanding is
04 that the price for which the approval has been
05 granted by the head of the company is different from
06 the price that is being negotiated by -- in between
07 us and the clientele. So what are you getting at?

18. PAGE 214:09 TO 214:09 (RUNNING 00:00:01.655)

09 Q Well, how's that price different?

19. PAGE 214:10 TO 214:13 (RUNNING 00:00:22.471)

10 A Well, as goes pricing, you figure there's got
11 to be some sort of a reference price or base price.
12 We, for our part, call that regular price,
13 quote/unquote.

20. PAGE 216:04 TO 216:05 (RUNNING 00:00:12.484)

04 Q Now, with regard to the regular price, are
05 price lists created by Ottogi America?

21. PAGE 216:07 TO 216:12 (RUNNING 00:00:26.466)

07 THE WITNESS: Well, the notion of price list
08 to me is suggestive of there being only price
09 listed. Rather than that, what we have is something
10 called an order list on which you would find, say,
11 the name of the product, the price and so forth and
12 so on. And that is what we have.

22. PAGE 216:17 TO 216:17 (RUNNING 00:00:02.537)

17 How's the order list created?

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23. PAGE 217:01 TO 217:06 (RUNNING 00:00:29.344)

00217:01 So within our system in the company, our
 02 IT -- I'll just call it the system, okay? There is
 03 a certain tab, maybe a function, if you will, via
 04 which you get to output things, print things out.
 05 And at the press of a button, you basically get to
 06 generate the order list for each day at will.

24. PAGE 217:07 TO 217:08 (RUNNING 00:00:05.412)

07 Q So the order list is particular to each
 08 customer; am I saying that correctly?

25. PAGE 217:11 TO 217:14 (RUNNING 00:00:17.929)

11 THE WITNESS: Although I've not seen anybody
 12 else's order list, at least the order lists as used
 13 within our unit -- within sales, that is, there is
 14 only one kind to my understanding.

26. PAGE 228:21 TO 228:22 (RUNNING 00:00:11.733)

21 Q Good afternoon, Mr. Lee. I'm handing you a
 22 document that is marked as Exhibit 71 -- 81.

27. PAGE 231:09 TO 231:15 (RUNNING 00:00:22.383)

09 Q I'd like to direct your attention now to the
 10 document in front of you. In the upper left-hand
 11 corner, there's -- below the -- in -- in the upper
 12 left-hand corner, can you read what it -- strike
 13 that.
 14 In the upper left-hand corner is a logo for
 15 Ottogi, correct?

28. PAGE 231:16 TO 231:16 (RUNNING 00:00:01.850)

16 A Yes, that's correct.

29. PAGE 231:17 TO 231:19 (RUNNING 00:00:09.532)

17 Q And above that, it says "Daily Report OA
 18 9/13/10." And then it's an Excel file.
 19 Do you see that?

30. PAGE 231:20 TO 231:20 (RUNNING 00:00:01.732)

20 A Yes, I'm looking at it.

31. PAGE 231:21 TO 231:23 (RUNNING 00:00:04.578)

21 Q Okay. And below and to the right of the
 22 logo, it says "Order List."
 23 Do you see that?

32. PAGE 231:24 TO 231:24 (RUNNING 00:00:01.593)

24 A Yes.

33. PAGE 231:25 TO 232:02 (RUNNING 00:00:12.772)

25 Q Okay. Now, prior to lunch and then as well
 00232:01 yesterday, you testified to an order list that you
 02 use when you go out to see the clients, correct?

34. PAGE 232:03 TO 232:03 (RUNNING 00:00:01.576)

03 A Yes, that's correct.

35. PAGE 232:04 TO 232:04 (RUNNING 00:00:02.122)

04 Q Is this the type of order list that you use?

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36. PAGE 232:05 TO 232:06 (RUNNING 00:00:09.830)

05 A Yes. Prior to that change as to our system,
06 this is what we used to use.

37. PAGE 232:07 TO 232:09 (RUNNING 00:00:06.403)

07 Q Okay. So this -- this document -- this type
08 of document is what you used prior to the 2015
09 change in the system, correct?

38. PAGE 232:10 TO 232:10 (RUNNING 00:00:01.440)

10 A That is correct.

39. PAGE 234:08 TO 234:09 (RUNNING 00:00:08.450)

08 Q Does this order list show the regular price
09 that you testified to earlier?

40. PAGE 234:10 TO 234:13 (RUNNING 00:00:13.528)

10 A So we're talking about in terms of this order
11 list, right? So this category called "Each Price,"
12 that is what I was referring to as being the regular
13 price.

41. PAGE 234:14 TO 234:14 (RUNNING 00:00:02.340)

14 Q And what is the market price?

42. PAGE 234:15 TO 234:19 (RUNNING 00:00:22.563)

15 A So what this "Market Price" column represents
16 is basically each store, each proprietor tends to
17 add about 30 percent of a margin on top of the
18 regular price. So we figure that it probably
19 amounts to about yea much.

43. PAGE 235:07 TO 235:08 (RUNNING 00:00:06.505)

07 Q And you -- you take this with you when you go
08 to see your client, your customer, correct?

44. PAGE 235:09 TO 235:11 (RUNNING 00:00:04.300)

09 A Yes.
10 Q And how do you use this at the customer's
11 business?

45. PAGE 235:12 TO 235:15 (RUNNING 00:00:22.621)

12 A So I look around the premises of the market.
13 And if I deem there to be some items that need to
14 have an order placed for, then I would notate the
15 necessary quantities in the "Quantity" column.

46. PAGE 236:25 TO 237:01 (RUNNING 00:00:06.835)

25 Q And then after you fill this in and -- you
00237:01 review it with the grocery manager, the customer?

47. PAGE 237:02 TO 237:05 (RUNNING 00:00:14.129)

02 A Yeah, if per chance -- well, I mean, yes, of
03 course. It's subject to further confirmation,
04 because the guy doesn't want to end up with
05 quantities that he didn't seek to, you know, obtain.


TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:08:35.855)

COURT EXHIBIT 30b

Ottogi

 **Lee, Hosuk (Vol. 02) - 03/08/2016**

1 CLIP (RUNNING 00:02:49.463)

 Lee 11-13-18

HOSUKLEE2 16 SEGMENTS (RUNNING 00:02:49.463)



1. PAGE 215:12 TO 215:14 (RUNNING 00:00:06.454)

12 Q Is -- if your customer gets -- is offered a
13 discount, is that a discount off of the regular
14 price?

2. PAGE 215:17 TO 215:17 (RUNNING 00:00:01.287)

17 THE WITNESS: Yes.

3. PAGE 215:19 TO 215:21 (RUNNING 00:00:05.948)

19 Q And could you tell me about the discounts
20 that are offered to your customers. What kinds of
21 discounts are available?

4. PAGE 215:22 TO 215:23 (RUNNING 00:00:07.533)

22 A Well, it's literally just such a -- you know,
23 a reduction by so much off of the regular price.

5. PAGE 216:01 TO 216:02 (RUNNING 00:00:05.998)

00216:01 Is that reduction come about based upon a
02 negotiation between you and the customer?

6. PAGE 216:03 TO 216:03 (RUNNING 00:00:01.910)

03 A Yes.

7. PAGE 221:07 TO 221:11 (RUNNING 00:00:16.184)

07 Q Okay. And you have your clients, somebody --
08 other salesman has his clients, some other salesmen
09 or saleswomen have their clients.
10 Do they all have the same -- do you all have
11 the same order list?

8. PAGE 221:14 TO 221:15 (RUNNING 00:00:02.832)

14 THE WITNESS: No, that probably is not the
15 case.

9. PAGE 237:08 TO 237:10 (RUNNING 00:00:07.553)

08 After the grocery manager or the customer
09 accepts the quantities that you put down, what
10 happens next?

10. PAGE 237:11 TO 237:17 (RUNNING 00:00:25.912)

11 A And then -- well, I'd say in terms of
12 pricing, the grocery manager on occasion might say,
13 say for this item I'll allow it at such-and-such
14 price for us. You know, sometimes there are
15 requests like that.
16 Q So you negotiate with the grocery manager the
17 regular price?

11. PAGE 237:18 TO 237:20 (RUNNING 00:00:07.740)

18 A Well, it wouldn't be the regular price in

Ottogi

19 that regard. It would be so much of a discount off
20 of the regular price that we talk about.

12. PAGE 242:17 TO 242:20 (RUNNING 00:00:11.377)

17 Q And when you say you've seen it, are you --
18 this -- are you aware whether Ottogi Korea has ever
19 suggested a manufacturer's suggested retail price on
20 their products?

13. PAGE 242:24 TO 243:08 (RUNNING 00:00:30.097)

24 THE WITNESS: I understand you continue to
25 ask in terms of, quote, manufacturer's suggested
00243:01 retail price, close quote. The thing is we, Ottogi
02 America, are not in the manufacturing business.
03 Ottogi Korea is the manufacturer. So when you ask
04 that question, are you asking if Ottogi Korea has
05 ever suggested to us what shall be a suggested
06 retail price? What -- what are you asking about?
07 BY MR. ALBERT:
08 Q Yes, that -- that's -- yes.

14. PAGE 243:09 TO 243:13 (RUNNING 00:00:22.549)

09 A Oh, if that's what you're asking about, then
10 insofar as my understanding goes, sir, Korea, you
11 know, it's beyond them as to at what price and of
12 however much quantity we sell to the customers here.
13 That -- they -- that's none of their business.

15. PAGE 243:14 TO 243:17 (RUNNING 00:00:11.826)

14 Q So is the answer no, that you've never seen
15 Ottogi Korea suggest to Ottogi America a
16 manufacturer's suggested retail price that the
17 products be sold at?

16. PAGE 243:18 TO 243:19 (RUNNING 00:00:04.263)

18 A That is correct. My recollection is that I
19 have never come across anything like that.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:02:49.463)

COURT EXHIBIT 31a

KoreanNoodles

Lee, Seung Yub (Vol. 01) - 05/19/2016

1 CLIP (RUNNING 00:09:32.192)

LEESEUNGYUB-0519

79 SEGMENTS (RUNNING 00:09:32.192)



1. PAGE 7:13 TO 7:16 (RUNNING 00:00:14.994)

13 (Albert Kim was duly sworn as the
14 English/Korean interpreter.)
15
16 SEUNG YUB LEE,

2. PAGE 7:17 TO 7:19 (RUNNING 00:00:01.700)

17 having been first duly sworn through
18 the interpreter, was examined and
19 testified as follows:

3. PAGE 23:10 TO 23:11 (RUNNING 00:00:05.154)

10 Q. So do you know which Ottogi entity you
11 started working for?

4. PAGE 23:12 TO 23:13 (RUNNING 00:00:06.907)

12 A. So among what I referenced was Korea
13 Ottogi, Ottogi Korea.

5. PAGE 23:14 TO 23:15 (RUNNING 00:00:04.241)

14 Q. Trying to do the math. You started
15 working for Ottogi Korea in the late '90s?

6. PAGE 23:16 TO 23:16 (RUNNING 00:00:01.691)

16 A. Yes.

7. PAGE 23:17 TO 23:18 (RUNNING 00:00:02.166)

17 Q. Do you remember -- could you give me a
18 year?

8. PAGE 23:19 TO 23:20 (RUNNING 00:00:09.568)

19 A. My recollection is that it was either
20 towards the end of '97 or beginning of '98.

9. PAGE 25:05 TO 25:06 (RUNNING 00:00:05.402)

05 What was your first job when you started
06 working for Ottogi Korea?

10. PAGE 25:08 TO 25:13 (RUNNING 00:00:14.117)

08 THE WITNESS: Do you mean to ask as to the
09 unit to which I belonged or --
10 BY MR. RUF:
11 Q. Sure. You can give me your job title to
12 start and then I will ask you questions about what
13 your duties were.

11. PAGE 25:14 TO 25:15 (RUNNING 00:00:05.163)

14 A. All right. So I was within the marketing
15 office.

KoreanNoodles

12. PAGE 25:16 TO 25:17 (RUNNING 00:00:02.455)

16 Q. And within the marketing office what was
17 your title?

13. PAGE 25:18 TO 25:19 (RUNNING 00:00:06.950)

18 A. I was the person in charge within the
19 marketing office.

14. PAGE 26:10 TO 26:12 (RUNNING 00:00:10.019)

10 Q. And so during what period did you continue
11 working as the person in charge of the marketing
12 office?

15. PAGE 26:13 TO 26:18 (RUNNING 00:00:23.616)

13 A. So even that a moment ago I wasn't
14 entirely certain about those earlier dates. I said
15 that I was at the other company through the end of
16 '97 or beginning of '98, so inexact as that was, I
17 basically was in this position for about five years
18 thereafter.

16. PAGE 26:19 TO 26:20 (RUNNING 00:00:03.502)

19 Q. So was it around 2003 when your job
20 changed?

17. PAGE 26:21 TO 26:24 (RUNNING 00:00:14.374)

21 A. Right. Again, I'm not entirely keen on
22 dates and what have you, but approximately five
23 years thereafter I would switch over to some other
24 unit.

18. PAGE 27:09 TO 27:09 (RUNNING 00:00:01.034)

09 How did your job change?

19. PAGE 27:10 TO 27:10 (RUNNING 00:00:05.488)

10 A. So I was assigned to the sales arm.

20. PAGE 27:11 TO 27:11 (RUNNING 00:00:01.272)

11 Q. What was your title?

21. PAGE 27:12 TO 27:12 (RUNNING 00:00:06.758)

12 A. I was the head of the business division.

22. PAGE 27:13 TO 27:14 (RUNNING 00:00:03.816)

13 Q. And could you describe some of your job
14 duties that you can recall?

23. PAGE 27:15 TO 27:17 (RUNNING 00:00:09.076)

15 A. My job duties once I became the head of
16 the business division, do you mean?
17 Q. Yes.

24. PAGE 27:18 TO 27:22 (RUNNING 00:00:17.405)

18 A. So basically I was responsible for
19 overseeing and supervising the activities on the
20 part of the sales folks who belonged to the
21 particular sales-related business division that I
22 was heading up at that time.

KoreanNoodles

25. PAGE 27:23 TO 27:25 (RUNNING 00:00:11.275)

23 Q. When you say particular sales-related
24 business division you were heading up, what was the
25 particular sales-related business division?

26. PAGE 28:01 TO 28:01 (RUNNING 00:00:04.225)

00028:01 A. It was business division 4.

27. PAGE 28:02 TO 28:03 (RUNNING 00:00:03.685)

02 Q. And did business division 4 specialize in
03 certain products?

28. PAGE 28:04 TO 28:05 (RUNNING 00:00:02.741)

04 A. Yes.
05 Q. Which ones?

29. PAGE 28:06 TO 28:12 (RUNNING 00:00:31.848)

06 A. My work entailed basically military sales
07 or military provisions, and it also entailed
08 basically the manufacture of certain products and
09 the provision of the same to the likes of KFC and
10 McDonald's and whatever have you. Basically
11 U.S.-type entities who were branching off into
12 Korea. That's mostly what I did.

30. PAGE 35:21 TO 35:23 (RUNNING 00:00:14.652)

21 Q. How did your job change after you were
22 working for the sales team -- I'm sorry, business
23 division 4, when -- and when did that change occur?

31. PAGE 35:24 TO 36:03 (RUNNING 00:00:14.965)

24 A. So as in the previous instance, again I'm
25 not too keen on the -- you know, the time frame in
00036:01 terms of the year, but I wonder if I didn't serve
02 within five years or so within the marketing office
03 before things changed.

32. PAGE 36:04 TO 36:05 (RUNNING 00:00:08.005)

04 Q. So do you think around 2008 things
05 changed?

33. PAGE 36:06 TO 36:06 (RUNNING 00:00:01.915)

06 A. 2008?

34. PAGE 36:07 TO 36:07 (RUNNING 00:00:03.498)

07 Q. Yes. I'm adding five years to 2003.

35. PAGE 36:08 TO 36:10 (RUNNING 00:00:10.052)

08 A. Perhaps I'm a little confused here. Were
09 you possibly asking me as to when I moved over to
10 business division 4?

36. PAGE 36:11 TO 36:15 (RUNNING 00:00:19.547)

11 Q. No. I'm -- I'm trying to understand all
12 of the jobs you had at Ottogi. And so my question,
13 and maybe I have asked it in a convoluted way, is
14 just what was the -- what was your next job title at
15 Ottogi after being head of business division 4?

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37. PAGE 36:16 TO 36:17 (RUNNING 00:00:03.994)

16 A. Oh, so after business division 4.
17 Q. Correct.

38. PAGE 36:18 TO 36:23 (RUNNING 00:00:12.251)

18 MS. YU: I assume Ottogi Korea?
19 MR. RUF: Well, no. I'm not limiting it.
20 Some Ottogi entity.
21 Q. I assume you had some job within Ottogi.
22 I don't know if it's for Korea or what. You tell
23 me.

39. PAGE 36:24 TO 36:25 (RUNNING 00:00:10.887)

24 A. So after serving within business division
25 4, I was assigned to Ottogi America.

40. PAGE 37:01 TO 37:02 (RUNNING 00:00:03.259)

00037:01 Q. And do you remember when that change
02 occurred?

41. PAGE 37:03 TO 37:06 (RUNNING 00:00:13.702)

03 A. As you yourself stated, I think it was
04 perhaps around the 2008 time frame. It may or may
05 not be actually, but that's what I'm kind of
06 thinking.

42. PAGE 37:07 TO 37:08 (RUNNING 00:00:10.192)

07 Q. And when you took the new position at
08 Ottogi America, what was your job title?

43. PAGE 37:09 TO 37:10 (RUNNING 00:00:04.342)

09 A. I was the head of the entity. I was the
10 president.

44. PAGE 38:02 TO 38:03 (RUNNING 00:00:04.334)

02 Q. Was there a board of directors when you
03 came over to Ottogi America?

45. PAGE 38:04 TO 38:05 (RUNNING 00:00:05.823)

04 A. Yes. At least to my understanding there
05 was.

46. PAGE 38:06 TO 38:07 (RUNNING 00:00:02.674)

06 Q. Do you recall having a position on the
07 board of directors?

47. PAGE 38:08 TO 38:08 (RUNNING 00:00:02.684)

08 A. Yes.

48. PAGE 38:09 TO 38:09 (RUNNING 00:00:01.289)

09 Q. What was that position?

49. PAGE 38:10 TO 38:11 (RUNNING 00:00:03.539)

10 A. We are talking about Ottogi America.
11 Right?

50. PAGE 38:12 TO 38:17 (RUNNING 00:00:13.726)

12 Q. According to you, yes. I believe that's
13 correct.
14 A. Yes.

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15 Q. So the question is what was -- did you
16 have a formal position on the board of directors of
17 Ottogi America?

51. PAGE 38:18 TO 38:20 (RUNNING 00:00:12.218)

18 A. Well, I'm not sure about that. All I
19 know, all I knew, was that I was assigned here as
20 the president.

52. PAGE 38:21 TO 38:22 (RUNNING 00:00:03.269)

21 Q. Do you recall attending any board
22 meetings?

53. PAGE 38:23 TO 38:23 (RUNNING 00:00:05.116)

23 A. I have attended meetings of the board.

54. PAGE 38:24 TO 38:25 (RUNNING 00:00:04.056)

24 Q. And do you believe you served on the board
25 as well as a board member?

55. PAGE 39:01 TO 39:01 (RUNNING 00:00:01.428)

00039:01 A. Yes.

56. PAGE 39:02 TO 39:03 (RUNNING 00:00:04.108)

02 Q. Do you know who the chairman of the board
03 was in 2008 when you started?

57. PAGE 39:04 TO 39:06 (RUNNING 00:00:11.989)

04 A. Well, to my understanding, I don't know
05 that there was a chairman, so to say, of the board.
06 If there was, I'm not too sure.

58. PAGE 40:09 TO 40:10 (RUNNING 00:00:16.125)

09 Q. Do you recall in any way asking or
10 advocating that you take on this new job in America?

59. PAGE 40:11 TO 40:11 (RUNNING 00:00:04.885)

11 A. No, I do not recall anything such effect.

60. PAGE 40:12 TO 40:12 (RUNNING 00:00:03.061)

12 Q. You were just assigned to this new job?

61. PAGE 40:13 TO 40:13 (RUNNING 00:00:01.747)

13 A. Right.

62. PAGE 40:14 TO 40:15 (RUNNING 00:00:03.168)

14 Q. And who -- who made that decision, to your
15 knowledge?

63. PAGE 40:16 TO 40:16 (RUNNING 00:00:02.294)

16 A. I don't quite know.

64. PAGE 40:17 TO 40:18 (RUNNING 00:00:07.692)

17 Q. Who was the president of Ottogi Korea when
18 you were assigned to Ottogi America?

65. PAGE 40:19 TO 40:20 (RUNNING 00:00:06.592)

19 A. I apologize, I don't have an exact
20 recollection.

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66. PAGE 40:21 TO 40:22 (RUNNING 00:00:08.936)

21 Q. What is the -- what was the purpose of
22 Ottogi America when you arrived in 2008?

67. PAGE 40:25 TO 41:05 (RUNNING 00:00:16.538)

25 THE WITNESS: As I related to you just a
00041:01 moment ago, when I came over here I came with the
02 understanding that I was to basically be in charge
03 of the overall management of Ottogi America as a
04 company that I was to basically supervise and
05 control its affairs.

68. PAGE 41:07 TO 41:09 (RUNNING 00:00:07.208)

07 Q. My question is, why does Ottogi America
08 exist? What purpose does it have within the Ottogi
09 corporation?

69. PAGE 41:12 TO 41:13 (RUNNING 00:00:03.163)

12 THE WITNESS: As for that I don't quite
13 know.

70. PAGE 41:15 TO 41:16 (RUNNING 00:00:09.287)

15 Q. Do you understand that Ottogi America was
16 created at some point in the mid-2000 time frame?

71. PAGE 41:17 TO 41:17 (RUNNING 00:00:01.546)

17 A. Yes.

72. PAGE 41:18 TO 41:18 (RUNNING 00:00:01.540)

18 Q. Do you know why it was created?

73. PAGE 41:19 TO 41:20 (RUNNING 00:00:07.748)

19 A. You asked me just a moment ago about that.
20 I don't quite know.

74. PAGE 41:21 TO 41:23 (RUNNING 00:00:09.027)

21 Q. Fair enough. Before Ottogi America was
22 created, Ottogi sold products in the United States.
23 Correct?

75. PAGE 41:25 TO 42:01 (RUNNING 00:00:02.025)

25 THE WITNESS: It's not something I know
00042:01 about.

76. PAGE 54:18 TO 54:19 (RUNNING 00:00:07.393)

18 Q. Who set the price at which Ottogi America
19 bought ramen from Ottogi Korea?

77. PAGE 54:22 TO 54:23 (RUNNING 00:00:08.875)

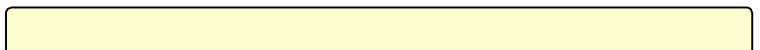
22 THE WITNESS: Well, I don't think I ought
23 to speculate, so I don't know what to tell you.

78. PAGE 54:25 TO 55:01 (RUNNING 00:00:03.415)

25 Q. So you would be required to speculate.
00055:01 You don't know the answer to that.

79. PAGE 55:02 TO 55:02 (RUNNING 00:00:01.771)

02 A. Right.



TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:09:32.192)

COURT EXHIBIT 31b

Ottogi

 **Lee, Seung Y. (Vol. 01) - 05/19/2016**

1 CLIP (RUNNING 00:23:07.453)

 **Seung Yub Lee 11-14-18**

SEUNGYUBLEE 98 SEGMENTS (RUNNING 00:23:07.453)



1. PAGE 17:14 TO 17:14 (RUNNING 00:00:01.806)

14 Q. Where did you go to college?

2. PAGE 17:15 TO 17:15 (RUNNING 00:00:03.960)

15 A. I'm a graduate of Hanyang, H-A-N-Y-A-N-G.

3. PAGE 18:01 TO 18:01 (RUNNING 00:00:02.892)

00018:01 Q. What was your first job after college?

4. PAGE 18:02 TO 18:06 (RUNNING 00:00:18.611)

02 A. My first job after graduation was actually
03 this one-year period during which I was actually
04 helping out with my mother's business and it was
05 thereafter that I was hired on with a company.
06 Q. What was your mother's business?

5. PAGE 18:07 TO 18:08 (RUNNING 00:00:01.515)

07 A. The type of business, you mean?
08 Q. Yes.

6. PAGE 18:09 TO 18:11 (RUNNING 00:00:07.239)

09 A. Well, she had a billiards hall.
10 Q. And then after that you said you were
11 hired by a company?

7. PAGE 18:12 TO 18:13 (RUNNING 00:00:01.356)

12 A. Yes.
13 Q. Which company?

8. PAGE 18:14 TO 18:15 (RUNNING 00:00:08.791)

14 A. I worked for Korea A. C. Nielsen.
15 Q. And what did Korea A. C. Nielsen do?

9. PAGE 18:16 TO 18:21 (RUNNING 00:00:22.091)

16 A. So they were a company that conducts
17 basically public opinion and marketing surveys.
18 Q. I know that company in the United States
19 with respect to their ratings for television
20 programs. Were you involved in TV or all sorts of
21 things?

10. PAGE 18:22 TO 19:04 (RUNNING 00:00:28.052)

22 A. I actually did not involve myself at all
23 in terms of TV ratings. What I did work on was in
24 terms of surveys and investigations concerning
25 retail outlets. Basically I would take a look at
00019:01 the results thus obtained and conduct analysis and
02 basically write up presentations.
03 Q. Who were the customers for the work that
04 you were doing?

Ottogi

11. PAGE 19:05 TO 19:09 (RUNNING 00:00:13.586)

05 A. So by "customers" do you mean of A. C.
06 Nielsen's or customers of mine, the ones I was
07 dealing with?
08 Q. The end users of that information would --
09 what I assume would be customers of A. C. Nielsen.

12. PAGE 19:10 TO 19:12 (RUNNING 00:00:06.771)

10 A. All right. In that case let me see if I
11 can just enumerate a few of those customers as come
12 to mind. There was, for instance, Dongsuh Foods,

13. PAGE 19:12 TO 19:13 (RUNNING 00:00:06.244)

12 to mind. There was, for instance, Dongsuh Foods,
13 D-O-N-G-S-U-H. P&G.

14. PAGE 19:13 TO 19:14 (RUNNING 00:00:02.774)

13 D-O-N-G-S-U-H. P&G.
14 Q. Proctor & Gamble?

15. PAGE 19:15 TO 19:15 (RUNNING 00:00:06.801)

15 A. Proctor & Gamble, yes. Nestle. And Cheil

16. PAGE 19:15 TO 19:16 (RUNNING 00:00:07.532)

15 A. Proctor & Gamble, yes. Nestle. And Cheil
16 Foods. C-H-E-I-L. And also Daesang, D-A-E-S-A-N-G.

17. PAGE 19:16 TO 19:16 (RUNNING 00:00:03.751)

16 Foods. C-H-E-I-L. And also Daesang, D-A-E-S-A-N-G.

18. PAGE 19:17 TO 19:17 (RUNNING 00:00:04.815)

17 And Pacific -- Pacific Amorean.

19. PAGE 19:18 TO 19:20 (RUNNING 00:00:07.742)

18 And additionally I believe there were
19 maybe a couple, three pharmaceutical companies and
20 the names escape me at the moment.

20. PAGE 20:04 TO 20:04 (RUNNING 00:00:05.719)

04 Q. Did you do any work for Ottogi?

21. PAGE 20:05 TO 20:06 (RUNNING 00:00:02.266)

05 A. Yes.
06 Q. How about Samyang?

22. PAGE 20:07 TO 20:07 (RUNNING 00:00:01.281)

07 A. I don't quite know. No, I did not.

23. PAGE 20:07 TO 20:08 (RUNNING 00:00:02.904)

07 A. I don't quite know. No, I did not.
08 Q. How about Nongshim?

24. PAGE 20:09 TO 20:10 (RUNNING 00:00:01.993)

09 A. Don't know.
10 Q. Paldo?

25. PAGE 20:11 TO 20:13 (RUNNING 00:00:03.550)

11 A. I don't know.
12 Q. Do you remember what work you did for

Ottogi

13 Ottogi?

26. PAGE 20:14 TO 20:15 (RUNNING 00:00:02.756)

14 A. Yes.

15 Q. Can you tell me what it was?

27. PAGE 20:16 TO 20:22 (RUNNING 00:00:35.808)

16 A. So I made presentations to Ottogi based
17 upon material that was analyzed after it was
18 gathered. And the subject products subject to such
19 analysis included mayonnaise, ketchup, et cetera, et
20 cetera, and a number of other things as I recall.

21 Q. You were looking at the position of the
22 Ottogi products in the competitive marketplace?

28. PAGE 20:24 TO 20:25 (RUNNING 00:00:03.932)

24 THE WITNESS: I don't quite understand as
25 to what you mean by this positioning.

29. PAGE 21:02 TO 21:03 (RUNNING 00:00:05.136)

02 Q. What -- what kind of information did you
03 give Ottogi regarding, for example, ketchup?

30. PAGE 21:04 TO 21:11 (RUNNING 00:00:29.313)

04 A. Okay. For instance, I provided them with
05 information on the overall sales-related market
06 share, the market share in terms of their inventory,
07 the handling rate in terms of AC, the handling rate
08 in terms of SC. The state of display, et cetera, et
09 cetera. Basically things like that are what come to
10 mind in terms of what I provided them with.

11 Q. Can you explain the terms AC and SC.

31. PAGE 21:12 TO 21:21 (RUNNING 00:00:34.278)

12 A. So what is meant by the SC handling rate
13 is, for instance -- let us speak in terms of the
14 retail level. If -- this is just a supposition. If
15 there should happen to be let's say 10,000 retail
16 stores out there, basically the question regarding
17 how many of those retail stores happen to handle
18 Ottogi's ketchup product is what this SC handling
19 rate amounts to. It's a certain factor by which you
20 look at those things.

21 Q. And then how about AC?

32. PAGE 21:22 TO 22:06 (RUNNING 00:00:36.278)

22 A. So staying with my hypothetical of the
23 10,000 or so retail stores, you would figure that
24 these are all different in terms of the relative
25 sizes and therefore the relative amounts of business
00022:01 that they handle. So you want to separate these in
02 terms of the big guys, the middle guys and the
03 smaller guys, and you basically give them -- give an
04 added weight, a weighted average, that is, and you
05 look at the overall extent of the handling and that
06 is what is referenced as the AC handling rate.

33. PAGE 22:10 TO 22:11 (RUNNING 00:00:05.234)

10 Do you recall doing any work with respect
11 to ramen products when you worked for A. C. Nielsen?

Ottogi

34. PAGE 22:12 TO 22:13 (RUNNING 00:00:01.984)

12 A. Yes.
13 Q. What do you remember?

35. PAGE 22:14 TO 22:18 (RUNNING 00:00:14.355)

14 A. So in addition to ketchup and mayo, Ottogi
15 also had subscribed to information pertaining to
16 ramen.
17 Q. And did you do AC and SC types of analysis
18 for them with respect to their ramen?

36. PAGE 22:19 TO 22:22 (RUNNING 00:00:06.966)

19 A. Yes, I have some recollection to such
20 effect.
21 Q. And what was your next job after A. C.
22 Nielsen?

37. PAGE 22:23 TO 22:23 (RUNNING 00:00:01.874)

23 A. Then I worked for Ottogi.

38. PAGE 23:21 TO 23:22 (RUNNING 00:00:05.388)

21 Q. Do you remember why you decided to leave
22 A. C. Nielsen and go to Ottogi Korea?

39. PAGE 23:23 TO 24:10 (RUNNING 00:00:50.496)

23 A. So as I reflect, back then I think I felt
24 that never having had the opportunity to work for or
25 within a manufacturing company, perhaps I at some
00024:01 point in time started feeling like I was sort of
02 lacking and that things went wanting in terms of my
03 ability to more effectively analyze certain
04 materials.
05 And perhaps it dawned on me that gaining
06 some experience with a manufacturer, it might prove
07 helpful going forward. And as such, I think I let
08 it be known to the folks at Ottogi that I would
09 perhaps desire to maybe work for a manufacturing
10 company and I think that is what gave rise to this.

40. PAGE 33:21 TO 33:25 (RUNNING 00:00:19.412)

21 Q. Do you recall when you were working in the
22 marketing office in '98 to 2003, keeping abreast of
23 the or being aware of or trying to get information
24 about the price -- the prices at which products of
25 ramen competitors were sold?

41. PAGE 34:01 TO 34:03 (RUNNING 00:00:04.923)

00034:01 A. Again, the price at which product gets
02 sold or --
03 Q. Sold. Retail.

42. PAGE 34:04 TO 34:06 (RUNNING 00:00:07.008)

04 A. But do you mean the price at which the
05 retail shops would sell products to consumers?
06 Q. Yes.

43. PAGE 34:07 TO 34:12 (RUNNING 00:00:19.071)

07 A. Yes.
08 Q. And do you remember taking any efforts to
09 find out what price the ramen competitors, and by
10 "ramen competitors" I'm talking about Samyang,
11 Nongshim and Paldo, sold their products to their

Ottogi

12 distributors, that is their chooldgo price?

44. PAGE 34:13 TO 34:15 (RUNNING 00:00:10.967)

13 A. Well, I didn't.

14 Q. Did you instruct any of your subordinates
15 to try and get that information?

45. PAGE 34:16 TO 34:20 (RUNNING 00:00:17.750)

16 A. No. I actually have not instructed them
17 to do anything like that, but I on the other hand,
18 do recall coming across certain things that they
19 reflect in written reports as to things that they
20 had ascertained while out there in the, say, shops.

46. PAGE 35:04 TO 35:07 (RUNNING 00:00:13.398)

04 Q. It was important for the marketing office
05 to be knowledgeable about the actions and pricing of
06 its competitors with respect to all products.
07 Correct?

47. PAGE 35:09 TO 35:18 (RUNNING 00:00:33.306)

09 THE WITNESS: Well, really, I think you
10 really want to say that anything and everything
11 having to do with promoting sales for our products
12 would figure into our considerations as opposed to
13 things about the competition. I'm basically not in
14 agreement with your premise there.

15 BY MR. RUF:

16 Q. Well, you certainly -- among the things
17 that you were interested in in the marketing office
18 was competition. Correct?

48. PAGE 35:19 TO 35:20 (RUNNING 00:00:07.802)

19 A. Well, to say that we weren't interested in
20 the competition might seem to be a stretch.

49. PAGE 39:07 TO 39:08 (RUNNING 00:00:05.104)

07 Q. Do you recall how often you would attend
08 board meetings of Ottogi America?

50. PAGE 39:09 TO 39:13 (RUNNING 00:00:16.850)

09 A. To my recollection I wonder if it wasn't
10 about once a year.

11 Q. And so what were your job duties when you
12 took over the position of president of Ottogi
13 America?

51. PAGE 39:15 TO 39:17 (RUNNING 00:00:06.208)

15 THE WITNESS: So I was the one in control
16 of the overall management of Ottogi America's
17 affairs.

52. PAGE 43:17 TO 43:20 (RUNNING 00:00:23.770)

17 Q. So please inform me of the process by
18 which Ottogi ramen gets to the shelves in a store in
19 Los Angeles based on your experience at Ottogi
20 America.

53. PAGE 43:21 TO 44:01 (RUNNING 00:00:17.766)

21 A. Oh, there really isn't much of a process
22 to it really. Basically product gets imported from
23 Korea and our sales guys basically sell such

Ottogi

24 products to L.A.-based markets and those markets in
 25 turn sell to consumers as far as my understanding
 00044:01 goes.

54. PAGE 44:14 TO 44:18 (RUNNING 00:00:14.411)

14 strike that. Sounded like from your answer that you
 15 were giving me a particular answer with respect to
 16 Los Angeles, which sounds to me like, depending on
 17 the place you are talking about, you might sell
 18 differently. Is that true?

55. PAGE 44:19 TO 44:23 (RUNNING 00:00:10.952)

19 A. Yes.
 20 Q. So sometimes you sell directly to
 21 retailers and sometimes you sell through
 22 distributors who themselves then sell to the
 23 retailers in the United States?

56. PAGE 44:24 TO 44:24 (RUNNING 00:00:01.112)

24 A. Yes.

57. PAGE 47:07 TO 47:10 (RUNNING 00:00:22.029)

07 Q. Have you ever during the time you worked
 08 for either Ottogi Korea or Ottogi America, have you
 09 had interactions with any employees of Samyang,
 10 Nongshim or Paldo regarding prices?

58. PAGE 47:11 TO 47:12 (RUNNING 00:00:04.385)

11 A. No.
 12 Q. How about on any other subject?

59. PAGE 47:13 TO 47:13 (RUNNING 00:00:01.650)

13 A. No.

60. PAGE 48:25 TO 49:03 (RUNNING 00:00:15.907)

25 Q. When you were working at Ottogi Korea, did
 00049:01 you have any knowledge of how ramen prices, that is
 02 choalgo ramen prices, for the domestic market were
 03 set?

61. PAGE 49:04 TO 49:07 (RUNNING 00:00:04.047)

04 A. As to how it got set?
 05 Q. Yes.
 06 A. How they went about setting it?
 07 Q. Yes.

62. PAGE 49:08 TO 49:12 (RUNNING 00:00:11.058)

08 A. I don't quite know as to how that gets
 09 set.
 10 Q. And I am talking about the time when you
 11 were working in Ottogi Korea up until you came to
 12 America in 2008. Do you understand that?

63. PAGE 49:13 TO 49:20 (RUNNING 00:00:32.621)

13 A. Well, throughout my entire career with
 14 Ottogi anywhere, I have never involved myself in the
 15 setting of the choalgo price. So, you know, I don't
 16 know how that's done.
 17 Q. Do you believe that Ottogi Korea or
 18 employees from Ottogi Korea entered into agreements
 19 with other companies in Korea to coordinate pricing
 20 for ramen?

Ottogi

64. PAGE 49:21 TO 50:07 (RUNNING 00:00:46.474)

21 A. I don't know.
22 Q. We talked about how, and correct me if
23 there are other ways, but we have talked about two
24 ways that Ottogi America sells -- I want to be
25 particular -- ramen to retailers in the United
00050:01 States. And my understanding is that the two ways
02 are either Ottogi America sells directly to a
03 retailer or Ottogi America sells through a
04 distributor who then sells to the retailer.
05 My question is, are the prices that Ottogi
06 America sell -- sells its products for different in
07 those two situations?

65. PAGE 50:08 TO 50:08 (RUNNING 00:00:01.620)

08 A. They are different.

66. PAGE 51:11 TO 51:13 (RUNNING 00:00:17.698)

11 Q. Does Ottogi America sell its ramen
12 products to different distributors at different
13 prices or is there a single price for distributors?

67. PAGE 51:14 TO 51:16 (RUNNING 00:00:07.832)

14 A. They are different.
15 Q. And who has the authority to establish
16 those differences?

68. PAGE 51:17 TO 51:22 (RUNNING 00:00:14.939)

17 A. The final authority was with me.
18 Q. So you would say I agree that we will sell
19 ramen to this distributor for this amount of money
20 and sell ramen to a different distributor for some
21 different amount of money, you would actually make
22 those decisions?

69. PAGE 52:07 TO 52:17 (RUNNING 00:00:27.919)

07 THE WITNESS: So I guess if you will
08 understand the fact that I was trying to tell you
09 that basically the buck stops with me. Okay. So
10 I'm the final guy who is accountable for things, but
11 in terms of the actual prices as specifically
12 charged, those would be up to the sales personnel
13 who would conduct their sales activities as such.
14 BY MR. RUF:
15 Q. Can you tell me some of the factors that
16 would go into why one distributor would get a
17 different price than another?

70. PAGE 52:18 TO 53:05 (RUNNING 00:00:50.185)

18 A. So if you are talking about a more
19 remotely located region, then obviously there are
20 going to be different freight charges involved.
21 That's one reason.
22 And if perchance there is a certain new
23 entity out there, then until they basically get
24 truly situated, we in general try to support them
25 actively by helping them place a greater deal of
00053:01 emphasis or weight on our products.
02 Also with some existing parties out there,
03 obviously there might be an existing history with
04 the company. So those things also come into play
05 from what I understand.

Ottogi

71. PAGE 70:13 TO 70:15 (RUNNING 00:00:12.171)

13 Q. Do you know the term that was used in
14 Ottogi America to refer to the cost at which
15 products were purchased from Ottogi Korea?

72. PAGE 70:16 TO 70:20 (RUNNING 00:00:20.598)

16 A. Well, typically people speak in terms of
17 the, you know, price at which you get to obtain
18 product from Ottogi Korea. That's how they put it.
19 Q. So you are not familiar with import prices
20 being a way to describe the same thing.

73. PAGE 70:21 TO 70:22 (RUNNING 00:00:07.520)

21 A. Import price -- well, yeah, you normally
22 refer to it as import price too. Yeah.

74. PAGE 79:11 TO 79:15 (RUNNING 00:00:21.779)

11 Q. Okay. And just to be clear, in your
12 understanding who -- what person, if any, who works
13 at Ottogi America was responsible for setting the
14 prices at which Ottogi America sold its product and
15 particularly ramen?

75. PAGE 79:16 TO 79:21 (RUNNING 00:00:18.321)

16 A. Did you ask me who within Ottogi
17 determines the price at which goods get sold to
18 Ottogi America?
19 Q. No. The prior -- who at Ottogi America
20 determines the price at which it sells its products
21 to Ottogi America's customers?

76. PAGE 79:22 TO 80:03 (RUNNING 00:00:29.847)

22 A. Oh. So what the deal is, and this is not
23 just with respect to the ultimate sales price, but
24 everything, basically the buck stops with the head
25 of the company. But as a matter -- matter of actual
00080:01 practice, the sale price is set -- determined,
02 rather, by the actual sales associate handling the
03 transaction.

77. PAGE 81:17 TO 81:20 (RUNNING 00:00:12.694)

17 Q. Are you familiar with the concept of
18 discretion as in a salesperson having the discretion
19 to choose prices at which he or she sells Ottogi
20 America products?

78. PAGE 81:21 TO 82:04 (RUNNING 00:00:35.742)

21 A. Well, yes. So what I am able to recall
22 is, let's say this date here, which reads April the
23 25th, 2008, seeing as of around this point in time,
24 basically during this period of time pretty much all
25 the setting of the price was done by the respective
00082:01 sales personnel.
02 Q. And they had discretion to choose the
03 price that they saw fit to sell the product for.
04 Correct?

79. PAGE 82:05 TO 82:08 (RUNNING 00:00:07.823)

05 A. Yes.
06 Q. And you said at this time. Does that
07 suggest that there was a different time when the
08 situation was different?

Ottogi

80. PAGE 82:09 TO 83:06 (RUNNING 00:01:41.942)

09 A. Well, since you ask, basically whereas it
10 was thus the sales personnel who would pretty much
11 determine the appropriate supply price vis-a-vis
12 whichever customer account in question might happen
13 to be there, I think there came a time way later, I
14 don't know exactly when, but way later, and I don't
15 know if this was around the end of 2010 or sometime
16 in 2011, but I guess there was a certain sense or
17 impression that maybe the salespeople were arriving
18 at such decisions or conclusions a little too
19 easily, maybe too liberally.

20 And I think it was the admin outside of
21 the company that chose to, say, raise some
22 discussions about any potential drawbacks of that
23 sort of a system. And that maybe it ought not to be
24 such in terms of how the sales guys would determine
25 the supply price.

00083:01 But anyway, so, there were some talks in
02 that regard, and, you know, as I recall, basically
03 there were even some talks about maybe trying to
04 bring in some sort of a price-related system, but I
05 don't recall offhand as to what came of it. But
06 there was something like that, is my point.

81. PAGE 88:19 TO 88:20 (RUNNING 00:00:04.843)

19 Did Ottogi America pay bonuses to its
20 employees?

82. PAGE 88:21 TO 88:22 (RUNNING 00:00:04.653)

21 A. I have some recollection of paying out
22 something like that.

83. PAGE 89:04 TO 89:06 (RUNNING 00:00:03.414)

04 Q. And how about more generally then? What
05 were the circumstances under which the company paid
06 bonuses?

84. PAGE 89:07 TO 89:16 (RUNNING 00:00:41.371)

07 A. So during my tenure, I recall having paid
08 out some bonus on some occasion during such point in
09 time when the organization was able to attain its
10 overall goal, whatever it was, during that given
11 year in terms of the target set for that year and
12 also based upon my determination that maybe the
13 teamwork amongst our personnel took place in a very
14 heartfelt fashion.

15 Q. And who is -- who would establish yearly
16 the target for that year?

85. PAGE 89:17 TO 89:19 (RUNNING 00:00:05.523)

17 A. I would do that.

18 Q. Did you do that in consultation with
19 Ottogi Korea?

86. PAGE 89:20 TO 89:22 (RUNNING 00:00:06.466)

20 A. That is not the case.

21 Q. Did you do that in consultation with your
22 board of directors?

87. PAGE 89:23 TO 90:07 (RUNNING 00:00:36.264)

23 A. So you will recall earlier that I told you
24 the board meeting would be held maybe once a year

Ottogi

25 and on such an occasion, I would basically furnish a
 00090:01 report to the board saying that we have these
 02 targets set for the given year. And along with that
 03 I would say we will endeavor to do our best to
 04 achieve those things, and so I recall engaging the
 05 board in that regard in discussion.
 06 Q. And it was solely your decision as to what
 07 that target would be?

88. PAGE 90:08 TO 90:16 (RUNNING 00:00:40.133)

08 A. Well, so ultimately it was I who would go
 09 out setting of those targets but -- and to the
 10 extent I would basically seek advice from those
 11 around me as to the circumstances and also basically
 12 pay heed to the opinions and feedback of our
 13 esteemed sales personnel, basically I would take
 14 into consideration, this, that and such.
 15 Q. Did any employee or director of Ottogi
 16 Korea have input into your targets each year?

89. PAGE 90:18 TO 90:22 (RUNNING 00:00:06.625)

18 THE WITNESS: No. There wasn't anything
 19 like that.
 20 BY MR. RUF:
 21 Q. While you were president of Ottogi
 22 America, did you have a boss?

90. PAGE 90:23 TO 91:01 (RUNNING 00:00:10.427)

23 A. No. It was not possible for there to be
 24 any particular boss to me.
 25 Q. Was there anyone to whom you reported who
 00091:01 was senior to you?

91. PAGE 91:02 TO 91:03 (RUNNING 00:00:03.164)

02 A. As I recall, no, there wasn't anything
 03 like that.

92. PAGE 91:08 TO 91:12 (RUNNING 00:00:13.036)

08 Q. Is it your belief that if one were to look
 09 at an organizational chart while you were president
 10 of Ottogi America, that your position as president
 11 of Ottogi America would be at the same level as the
 12 president of Ottogi Korea?

93. PAGE 91:23 TO 92:01 (RUNNING 00:00:11.394)

23 A. Yeah. Basically what I'm getting at, ours
 24 is a separate freestanding legal entity, so, you
 25 know, it's not like we have ever contemplated what
 00092:01 you are asking about anyway, so --

94. PAGE 92:05 TO 92:05 (RUNNING 00:00:04.051)

05 Q. Wasn't Ottogi Korea your parent company?

95. PAGE 92:06 TO 92:08 (RUNNING 00:00:06.916)

06 A. It was, yeah.
 07 Q. And ultimately Ottogi Korea could control
 08 what happened at Ottogi America. Correct?

96. PAGE 92:09 TO 92:10 (RUNNING 00:00:03.399)

09 A. I don't quite know because I have never
 10 been controlled.

Ottogi

97. PAGE 101:11 TO 101:14 (RUNNING 00:00:18.832)

11 Q. Just to be clear, the process by which
12 Ottogi America set the prices of the ramen it sold
13 in America was to allow the salespeople to make that
14 decision. Correct?

98. PAGE 101:15 TO 101:15 (RUNNING 00:00:02.491)

15 A. Yes. That's the way it was.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:23:07.453)

COURT EXHIBIT 31c

KoreanNoodles

Lee, Seung Yub (Vol. 01) - 05/19/2016

1 CLIP (RUNNING 00:00:26.793)

Redirect

LEESEUNGYUB-0519R

6 SEGMENTS (RUNNING 00:00:26.793)



1. PAGE 92:11 TO 92:13 (RUNNING 00:00:09.508)

11 Q. If -- well, you were hired as president of
12 Ottogi America by someone with authority to do so at
13 Ottogi Korea. Correct?

2. PAGE 92:14 TO 92:14 (RUNNING 00:00:01.138)

14 A. Yes.

3. PAGE 93:16 TO 93:17 (RUNNING 00:00:04.500)

16 Q. Do you know who owned Ottogi America while
17 you worked there?

4. PAGE 93:18 TO 93:18 (RUNNING 00:00:02.384)

18 A. That, I don't know.

5. PAGE 93:19 TO 93:21 (RUNNING 00:00:07.612)

19 Q. You earlier used the expression that the
20 buck stops with me or stopped with you. Do you
21 remember using that expression?

6. PAGE 93:22 TO 93:22 (RUNNING 00:00:01.651)

22 A. Yes.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:00:26.793)

COURT EXHIBIT 32a

KoreanNoodles

Lim, Dong-Soo (Vol. 01) - 02/14/2018

1 CLIP (RUNNING 00:02:55.745)

LIMDONGSOO-0214

16 SEGMENTS (RUNNING 00:02:55.745)



1. PAGE 9:05 TO 9:11 (RUNNING 00:00:21.571)

05 HYESUN LEE and HYON RO,
06 having been administered an oath, served as
07 interpreters in the following deposition:
08
09 DONG-SOO LIM,
10 having been administered an oath, was examined and
11 testified as follows:

2. PAGE 12:08 TO 12:09 (RUNNING 00:00:05.109)

08 Q You work for Ottogi America presently. What
09 do you do at Ottogi America?

3. PAGE 12:11 TO 12:12 (RUNNING 00:00:07.957)

11 THE WITNESS: What I do, I work in sales
12 team.

4. PAGE 12:14 TO 12:14 (RUNNING 00:00:06.912)

14 Q What office do you work at, the location?

5. PAGE 12:15 TO 12:15 (RUNNING 00:00:06.006)

15 A It's Ottogi America located in Gardena.

6. PAGE 12:16 TO 12:18 (RUNNING 00:00:08.605)

16 Q Now, as I understand, you previously worked
17 at Ottogi America and then left and then returned,
18 correct?

7. PAGE 12:19 TO 12:19 (RUNNING 00:00:02.817)

19 A Yes, that's correct.

8. PAGE 12:20 TO 12:20 (RUNNING 00:00:01.799)

20 Q And when did you return?

9. PAGE 12:21 TO 12:21 (RUNNING 00:00:04.635)

21 A My return to Ottogi America?

10. PAGE 12:22 TO 12:22 (RUNNING 00:00:01.048)

22 Q Yes.

11. PAGE 12:23 TO 12:23 (RUNNING 00:00:05.137)

23 A Around October 2017.

12. PAGE 23:25 TO 24:01 (RUNNING 00:00:06.142)

25 Q After the staff employee in sales position,
00024:01 what was the next title that you had?

13. PAGE 24:02 TO 24:07 (RUNNING 00:00:21.018)

02 MS. YU: We have --
03 INTERPRETER RO: Section chief?

KoreanNoodles

04 MS. YU: It's not section chief. That's
05 manager.
06 THE WITNESS: I was an account manager.
07 MS. YU: That is not account manager.

14. PAGE 24:10 TO 24:15 (RUNNING 00:00:14.972)

10 MS. YU: Can we go off the record for a
11 second? There's a set of translated terms that the
12 parties agreed to when describing these positions.
13 So let's go off the record for a few seconds.
14 THE VIDEOGRAPHER: Going off the record at
15 11:10 a.m.

15. PAGE 24:17 TO 25:08 (RUNNING 00:00:58.924)

17 THE VIDEOGRAPHER: Going back on the record
18 at 11:14 a.m.
19 INTERPRETER LEE: Interpreter would like to
20 make a correction on her previous rendition. She
21 wants to change "staff employee" to "associate."
22 That's according to the stipulated terms.
23 MR. ALBERT: Okay. Anything else? Are we
24 caught up?
25 MS. YU: "And I believe I was an account
00025:01 manager" needs to be corrected as well.
02 INTERPRETER LEE: Right.
03 MR. ALBERT: Why don't we just -- for the
04 record and so it's clear and so that we have a clean
05 record, let me ask this.
06 BY MR. ALBERT:
07 Q In 1999 you started out at Ottogi as an
08 associate; is that correct?

16. PAGE 25:08 TO 25:09 (RUNNING 00:00:03.093)

08 associate; is that correct?
09 A Yes.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:02:55.745)

KoreanNoodles

Lim, Dong-Soo (Vol. 02) - 03/05/2018 [2829599]

1 CLIP (RUNNING 00:01:18.890)

LIMDONGSOO-0305

9 SEGMENTS (RUNNING 00:01:18.890)



1. PAGE 119:01 TO 119:07 (RUNNING 00:00:20.382)

00119:01 HYESUN LEE,
02 having been administered an oath, served as
03 interpreter in the following deposition:
04
05 DONG-SOO LIM,
06 having been administered an oath, was examined and
07 testified as follows:

2. PAGE 119:17 TO 119:19 (RUNNING 00:00:10.822)

17 Q Between the years 2005 and 2009, you were
18 employed as a sales associate at Ottogi America,
19 correct?

3. PAGE 119:20 TO 119:20 (RUNNING 00:00:02.387)

20 A Yes, that's correct.

4. PAGE 177:13 TO 177:14 (RUNNING 00:00:06.769)

13 Q Mr. Lim, did you negotiate the prices with
14 your customers during the period 2005 to 2009?

5. PAGE 177:15 TO 177:15 (RUNNING 00:00:02.389)

15 A Yes.

6. PAGE 181:13 TO 181:15 (RUNNING 00:00:09.097)

13 Q In your negotiations with customers, was
14 there a level below which you were not permitted to
15 go?

7. PAGE 181:16 TO 181:16 (RUNNING 00:00:03.617)

16 A Yes, of course.

8. PAGE 181:17 TO 181:17 (RUNNING 00:00:02.941)

17 Q And how was that determined?

9. PAGE 181:18 TO 181:20 (RUNNING 00:00:20.486)

18 A It was our sales policy that we cannot go
19 below the total cost at which Ottogi America
20 imported the products.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:01:18.890)

COURT EXHIBIT 33a

Ottogi

 **Ackerberg, Daniel (Vol. 01) - 09/25/2017**

3 CLIPS (RUNNING 00:01:06.928)

 44.1-9

DA01

2 SEGMENTS (RUNNING 00:00:28.654)



1. PAGE 44:01 TO 44:06 (RUNNING 00:00:23.754)

00044:01 Q. (By Ms. Brass) Okay. Did you or -- well,
02 we'll start with you. Did you speak with Dr. Mangum in
03 between the preparation of your class certification
04 report, the report that is Exhibit 4, and today while
05 preparing your report or your rebuttal report or for
06 this deposition?


2. PAGE 44:08 TO 44:09 (RUNNING 00:00:04.900)

08 THE WITNESS: I don't believe I spoke to
09 Dr. Mangum personally.

Ottogi

 **Ackerberg, Daniel (Vol. 01) - 09/25/2017**

3 CLIPS (RUNNING 00:01:06.928)

 137.10-137.15

DA16

2 SEGMENTS (RUNNING 00:00:15.016)



1. PAGE 137:10 TO 137:12 (RUNNING 00:00:09.242)

10 Q. So did you check your conclusion of formulaic
11 price linkages with prices between Ottogi Korean and
12 Ottogi America?


2. PAGE 137:14 TO 137:15 (RUNNING 00:00:05.774)

14 THE WITNESS: So -- did I? I don't
15 believe so.

Ottogi

 **Ackerberg, Daniel (Vol. 01) - 09/25/2017**

3 CLIPS (RUNNING 00:01:06.928)

 188.9-15

DA22

1 SEGMENT (RUNNING 00:00:23.258)



1. PAGE 188:09 TO 188:15 (RUNNING 00:00:23.258)

09 Q. Does the data that you looked at reflect
10 promotions that individual stores may have been
11 receiving from suppliers?
12 A. It depends. I mean, a lot of this data they
13 were reporting the price that they purchased this
14 product for, and it's sometimes unclear whether that
15 actually had discounts on it.

TOTAL: 3 CLIPS FROM 1 DEPOSITIONS (RUNNING 00:01:06.928)

COURT EXHIBIT 34a

KoreanNoodles

Kim, Bo-Gyoo (Vol. 01) - 04/01/2016

1 CLIP (RUNNING 00:02:33.008)

Why is it that the -- you must ...

BK-0401-0002125

1 SEGMENT (RUNNING 00:02:33.008)



1. PAGE 21:25 TO 22:25 (RUNNING 00:02:33.008)

25 Q. Why is it that the -- you must
00022:01
02 necessarily go through negotiations with
03 the government and get approval from the
04 government for price increases of Ramen
05 product?
06 A. Firstly, I think there is
07 certainly no doubt at this point in time
08 that any and all price changes were done
09 only upon receiving the government's
10 approval, as was borne out by the rulings
11 by the Korean Supreme Court and the High
12 Court, concerning what was the KFTC
13 investigation, concerning collusion
14 allegations.
15 Now, although I have not
16 personally conducted those sorts of
17 price-related negotiations, those who did
18 have told me, in ordering me to prepare
19 the underlying materials for those types
20 of things, that basically, you know, from
21 what I know and have seen, basically,
22 these changes and/or, say, increases were
23 based upon such materials. And so that is
24 why I think it is the planning team that
25 is responsible for the conduct of such.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:02:33.008)

COURT EXHIBIT 35a

Case Clip(s) Detailed Report

Joong Rak Lee

Thursday, November 29, 2018, 7:36:08 PM

Case Clip(s) Detailed Report
Thursday, November 29, 2018, 7:36:08 PM

Joong Rak Lee

Lee, Joong R. (Vol. 01) - 03/21/2016

1 CLIP (RUNNING 00:15:52.111)

Now, in your last role as an ...

PLAY -0321-FINAL5

44 SEGMENTS (RUNNING 00:15:52.111)



1. PAGE 5:19 TO 5:23 (RUNNING 00:00:18.224)

19 J O O N G R A K L E E,
20 having first been duly sworn by
21 Sharon Lengel, the Notary Public,
22 was examined and testified as
23 follows:

2. PAGE 10:13 TO 10:16 (RUNNING 00:00:07.326)

13 Q. Okay. I just used the term
14 "Nongshim Korea." I was using that as
15 shorthand for "Nongshim Foods Co.
16 Limited."

3. PAGE 11:12 TO 11:17 (RUNNING 00:00:17.510)

12 A. So as somebody working for
13 Nongshim Co. Limited, I will be testifying
14 today.
15 Q. If I use the term "Nongshim
16 Korea" for the company Nongshim Co.
17 Limited, will that make sense?

4. PAGE 11:18 TO 11:22 (RUNNING 00:00:08.500)

18 A. You are saying that you will
19 refer to Nongshim Co. Limited as Nongshim
20 Korea; right?
21 Q. Correct.
22 A. I understand.

5. PAGE 15:05 TO 15:05 (RUNNING 00:00:01.513)

05 Q. What is your current job title?

6. PAGE 15:06 TO 15:10 (RUNNING 00:00:19.126)

06 A. I formally left the care of the
07 company effective December 31, 2015, and
08 since then, I've been serving as a
09 consultant to the company, a full-time
10 consultant.

7. PAGE 15:20 TO 16:04 (RUNNING 00:00:23.532)

20 A. I spent 33 years with the
21 company ever since I originally came
22 on-board. So to date, basically, I've
23 come to become fairly familiar with
24 certain things in a number of areas. And
25 when the line-level folks make certain
00016:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 requests for some help, I, within the
03 extent of my understanding, provide some
04 consulting.

8. PAGE 17:12 TO 17:13 (RUNNING 00:00:03.020)

12 Q. Are you still a salaried
13 employee with Nongshim Korea?

Case Clip(s) Detailed Report
Thursday, November 29, 2018, 7:36:08 PM

Joong Rak Lee

9. PAGE 17:14 TO 17:18 (RUNNING 00:00:17.221)

14 A. Well, the thing is I am not a
15 lay employee if, by that. I served for --
16 as an executive for something like ten
17 years. So I'm accorded the same treatment
18 and status as an executive.

10. PAGE 19:19 TO 19:21 (RUNNING 00:00:05.576)

19 Q. Now, in your last role as an
20 executive, can you tell me what your job
21 title was.

11. PAGE 19:22 TO 19:22 (RUNNING 00:00:01.425)

22 A. I was a vice president.

12. PAGE 26:21 TO 26:22 (RUNNING 00:00:02.239)

21 But for how many years were you
22 vice president?

13. PAGE 26:23 TO 26:24 (RUNNING 00:00:04.722)

23 A. I served as vice president for
24 ten years from 2006 through 2015.

14. PAGE 26:25 TO 27:02 (RUNNING 00:00:02.595)

25 Q. And what was your job title
00027:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 before you were vice president?

15. PAGE 27:03 TO 27:03 (RUNNING 00:00:02.191)

03 A. I was a senior manager.

16. PAGE 27:04 TO 27:05 (RUNNING 00:00:01.631)

04 Q. For how many years were you
05 senior manager?

17. PAGE 27:06 TO 27:09 (RUNNING 00:00:08.345)

06 A. So I believe it was from -- and
07 this is not exact, but I'm thinking
08 perhaps 2000 through about 2005 for a
09 period of about six years.

18. PAGE 27:23 TO 28:02 (RUNNING 00:00:10.974)

23 Q. As either vice president or
24 senior manager, was one of your duties
25 related to the determination of the price
00028:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 of Ramen sold by Nongshim Korea?

19. PAGE 28:05 TO 28:07 (RUNNING 00:00:09.223)

05 A. Well, my role did entail
06 reviewing and making a determination on
07 price-related matters.

20. PAGE 28:08 TO 28:09 (RUNNING 00:00:02.721)

08 Q. Are you familiar with something
09 called the planning team?

21. PAGE 28:10 TO 28:16 (RUNNING 00:00:20.410)

10 A. So ever since coming on-board
11 with the company in 1983 up until
12 immediately before 2012, I was placed

Case Clip(s) Detailed Report
 Thursday, November 29, 2018, 7:36:08 PM

Joong Rak Lee

13 within the planning department and never
 14 served anywhere else. So that is pretty
 15 much what I did my entire career, at least
 16 for those 28 years or so there.

22. PAGE 29:03 TO 29:06 (RUNNING 00:00:08.525)

03 Q. And is one of the functions of
 04 the planning team related to the
 05 determination of Ramen price for Ramen
 06 sold by Nongshim Korea?

23. PAGE 29:09 TO 29:22 (RUNNING 00:00:53.590)

09 A. As part of planning work, these
 10 aspects having to do with goals and
 11 performance and such happen to be
 12 important aspects. And as I mentioned
 13 earlier, as part of that or, for those
 14 reasons, I also participated in the review
 15 of pricing and such.
 16 And, in particular, I also held
 17 external-oriented -- external
 18 affairs-oriented duties, especially in
 19 terms of dealing with the government. I
 20 would, to that extent, prepare materials
 21 and, if necessary, go in and actually
 22 provide explanations on things.

24. PAGE 33:14 TO 33:15 (RUNNING 00:00:02.963)

14 Q. Are you familiar with the
 15 overseas sales team?

25. PAGE 33:18 TO 34:03 (RUNNING 00:00:28.895)

18 A. As seen from an overall-company
 19 perspective, the revenue from the export
 20 side of things amounts to only something
 21 like 5 to 7 percent. And, as such, I,
 22 from my perspective within planning, did
 23 not place too much emphasis on
 24 overseas-type matters. Basically, the
 25 international team went about setting up
 00034:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 their own strategies and such on their
 03 own.

26. PAGE 34:21 TO 34:22 (RUNNING 00:00:02.665)

21 Q. And were you ever a leader of
 22 the planning team?

27. PAGE 34:23 TO 35:06 (RUNNING 00:00:21.838)

23 A. Well, ever since coming on-board
 24 with the company back in '83, I was
 25 serving in the planning team. And in
 00035:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 2000, I was made the team leader. And in
 03 2006, I was the executive in charge of
 04 said team. So in a way, I served in a
 05 leadership position within planning
 06 throughout.

28. PAGE 40:12 TO 40:16 (RUNNING 00:00:09.268)

12 Q. When did Nongshim Korea first
 13 become aware that the KFTC may have been
 14 investigating Nongshim Korea with respect

Case Clip(s) Detailed Report
Thursday, November 29, 2018, 7:36:08 PM

Joong Rak Lee

15 to the pricing of certain of Nongshim
16 Korea's products?

29. PAGE 40:19 TO 41:18 (RUNNING 00:01:22.749)

19 A. Prior to them coming out to
20 investigate, we had no idea. We didn't
21 even anticipate anything like that. And
22 if memory serves, this would be around
23 2008, which coincides with the launching
24 of the new government under President Lee
25 Myung Bak and -- Lee Myung Bak. And the
00041:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 significance of that has to do with how
03 the Lee government had made known its
04 desire to stabilize the prices of certain
05 goods.
06 And, in fact, there was this
07 expression, the "MB pricing," as to
08 certain products that they designated
09 shall fall under the government's eye in
10 that regard, which included Ramen. And
11 these were basically items, merchandise,
12 over which the government had thus
13 promulgated its will that they shall keep
14 a close eye over.
15 And so at first, when they came
16 out to investigate, we were thinking that
17 maybe it was on such account, because of
18 that, at least at first.

30. PAGE 41:19 TO 42:17 (RUNNING 00:01:16.981)

19 Just to further elaborate on
20 that, when we would raise the price as to
21 our products, we would always do so in
22 consultation with this one particular
23 government office that is charged with
24 controlling prices on certain goods. We
25 would seek their prior approval for any
00042:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 price increases.
03 In comparison to them, the
04 KFTC's objectives have to do not with the
05 controlling or stabilization of price, per
06 se, but rather to encourage competition
07 within the marketplace, which, of course,
08 is the underlying, say, theme of
09 capitalism. We understand that.
10 But -- so when this
11 investigation first came about, we were
12 rather perplexed. And, in fact, there
13 were certain news reports in the press
14 about how perhaps was this something that
15 the MB Blue House had ordered the KFTC to
16 undertake, you know, things like that in
17 the press.

31. PAGE 42:18 TO 42:20 (RUNNING 00:00:04.675)

18 Q. I'm just a little unfamiliar
19 with the term "MB Blue House."
20 Can you tell me what that is.

32. PAGE 42:21 TO 42:22 (RUNNING 00:00:05.200)

21 A. That's in reference to then
22 president Lee Myung Bak, M.B.

Case Clip(s) Detailed Report
Thursday, November 29, 2018, 7:36:08 PM

Joong Rak Lee

33. PAGE 42:23 TO 43:03 (RUNNING 00:00:15.999)

23 So as I said, the government
24 had, in fact, set aside a number of
25 products, saying these are subject to
00043:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 government stabilization control efforts;
03 hence, MB price control items.

34. PAGE 47:25 TO 48:03 (RUNNING 00:00:09.829)

25 Q. Was there ever an attempt by
00048:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 Nongshim Korea to determine which
03 documents were taken by the KFTC?

35. PAGE 48:04 TO 49:08 (RUNNING 00:01:48.464)

04 A. It was apparent to me that,
05 seeing as I was the one who worked on
06 obtaining government approval, indeed,
07 since I was the one who prepared documents
08 relating to such, apparently, they were
09 targeting mostly me. And I recall lodging
10 some vehement complaints.
11 In fact, when I was haled in,
12 and subject to their investigation, I
13 asked them as to what kind of documents
14 they had taken, what kind of documents
15 they may be talking about, and, thus,
16 registered complaints.
17 And this is around 2008, as I
18 recall. The interrogation room was sort
19 of closed; no windows. Two of them were
20 there. There was this table with sort of
21 a -- a divider of a sort; no water. I was
22 there for five hours. And they would say
23 if I didn't provide a truthful answer, in
24 view of whatever documents, then they're
25 just not going to leave me alone.
00049:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 And whereas there have been two
03 statements -- one was a statement; the
04 other one was a protocol of examination --
05 at least the one from 2008, I was forced
06 to sign without even getting to look at
07 it. The overall atmosphere was rather
08 intimidating, to say the least.

36. PAGE 49:09 TO 50:05 (RUNNING 00:01:11.309)

09 And -- and, I guess, on account
10 of me being an executive, they decided to
11 take on a very insulting sort of approach
12 to me. They were dealing with me in a
13 sort of a derogatory way so as to make me
14 feel bad.
15 And I kept indicating to them
16 that ever since 2000, we had always and
17 only raised prices upon being granted
18 government approval beforehand, that, as
19 such, we were not at fault in any way,
20 that we had internal documents proving
21 such, that it was all pursuant to
22 consultation with the government.
23 And yet these fellows were
24 clearly not going to have any of it
25 because I wasn't giving them the right

Case Clip(s) Detailed Report
 Thursday, November 29, 2018, 7:36:08 PM

Joong Rak Lee

00050:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 answer that they wanted to hear. And at
 03 that time, because we didn't -- because we
 04 knew that we didn't make any mistakes, we
 05 had not had counsel present.

37. PAGE 50:06 TO 50:14 (RUNNING 00:00:30.834)

06 And following that, there were
 07 still a number of occasions when we had
 08 these encounters. And we, of course,
 09 continued to provide them with
 10 documentation as to this prior government
 11 approval. And ultimately, these
 12 individuals too were able to confirm as
 13 much on their own by way of the respective
 14 government bodies.

38. PAGE 50:24 TO 51:02 (RUNNING 00:00:08.535)

24 But anyhow, based upon that, we,
 25 at that point -- point in time, figured
 00051:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 that the matter had been -- had concluded.

39. PAGE 61:20 TO 61:24 (RUNNING 00:00:29.005)

20 Q. Before 2010, when you're saying
 21 that the investigation was restarted, were
 22 you aware that the KFTC was looking to
 23 investigate collusion between the Ramen
 24 companies about the price of Ramen?

40. PAGE 62:03 TO 64:04 (RUNNING 00:02:41.835)

03 A. The Korean Fair Trade
 04 Commission, as -- as part of its duties,
 05 keeping an eye out -- well, their main
 06 role is to encourage competition within
 07 the marketplace. It's across many
 08 different sectors. They also deal with
 09 certain things about representations or
 10 advertising, truth in advertising, and
 11 such. They also deal with certain aspects
 12 having to do with subcontractors and so
 13 forth. And indeed, they also deal with
 14 cartel-related sorts of things.
 15 So when they were initially
 16 investigating things with respect to our
 17 company, we figured it could be anything.
 18 And regarding our company's raising of
 19 prices every now and then, if and when we
 20 did that, that would be something that the
 21 two gentlemen, the CEO and the EVP, plus I
 22 would undertake, because this was a very
 23 important thing. We were working with the
 24 government. And -- but never was there
 25 any occasion for us to, you know, consult
 00063:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 other companies or do anything in that
 03 regard.
 04 For us, this -- the most
 05 pressing business at hand was working with
 06 the government authorities. And perhaps
 07 it was on account of that that it was kind
 08 of -- we were kind of late on the uptake
 09 in terms of these sorts of things.
 10 And, in fact, so come 2010, the
 11 KFTC starts anew with a new investigation.

Case Clip(s) Detailed Report
Thursday, November 29, 2018, 7:36:08 PM

Joong Rak Lee

12 And mind you, at this point in time, there
13 is a slight price drop, a price reduction
14 on our part. But we hear certain rumors
15 about how the KFTC is pressing for
16 leniency or they're trying to cajole
17 people into certain things.
18 And it was then that it became
19 apparent to us that they were -- they had
20 embarked upon investigations as to a
21 putative cartel.
22 This was kind of like -- almost
23 like a novel because it was clear to us
24 that they had drummed up these things.
25 They made things up. And they were now
00064:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 embarking upon some vendetta. And this
03 was something that worried us a great deal
04 at this time.

41. PAGE 72:10 TO 72:12 (RUNNING 00:00:06.308)

10 MR. LINKH: All right. I would
11 like to introduce an exhibit. It was
12 previously marked as Exhibit 99.

42. PAGE 73:07 TO 73:08 (RUNNING 00:00:05.825)

07 Q. Can you tell me what date this
08 document seems to be dated.

43. PAGE 73:20 TO 73:25 (RUNNING 00:00:18.614)

20 A. As I look at this, what I do
21 recall is the fact that it was on June
22 the 3rd, 2008, when the KFTC investigators
23 visited the company. And as I look at
24 this, this says "June the 27th," which, by
25 the way, this is the first time I'm seeing

44. PAGE 74:02 TO 74:02 (RUNNING 00:00:00.181)

02 this particular document.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:15:52.111)

COURT EXHIBIT 36a

Case Clip(s) Detailed Report

Joong Rak Lee

Friday, November 30, 2018, 4:59:10 PM

Case Clip(s) Detailed Report
Friday, November 30, 2018, 4:59:10 PM

Joong Rak Lee

Lee, Joong R. (Vol. 01) - 03/22/2016

1 CLIP (RUNNING 00:47:21.996)

Did Nongshim Korea suffer any ...

PLAY -0322-FINAL3

50 SEGMENTS (RUNNING 00:47:21.996)



1. PAGE 4:14 TO 4:18 (RUNNING 00:00:05.872)

14 J O O N G R A K L E E,
15 having previously been duly sworn
16 by Sharon Lengel, the Notary
17 Public, was examined and
18 testified as follows:

2. PAGE 4:24 TO 5:02 (RUNNING 00:00:12.460)

24 Q. Can you tell me how Nongshim
25 Korea decides to increase the prices of
00005:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 the Ramen it sells.

3. PAGE 5:16 TO 7:09 (RUNNING 00:02:15.141)

16 A. So to briefly relate to you the
17 internal process via which the company
18 would review or evaluate whether or not to
19 raise prices and ultimately decide to do
20 so, we would do so first of all only with
21 respect to the domestic Korean market.
22 And the process are as follows:
23 Basically, there is the internal, say,
24 review process that our department would
25 undergo. And that would be based upon
00006:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 government-oriented material. And to the
03 extent we would need to obtain approval
04 from the government, we would also be
05 referencing such material. This is a
06 quick synopsis.

07 And just to entail to you the
08 process via which the government would
09 grant us approval, going back, South Korea
10 went -- or Korea went through the Korean
11 War. And the years ensuing are
12 characterized by rapid economic growth and
13 years of military dictatorships.

14 And to a certain extent, Korea
15 did become a democratic country, but the
16 government nonetheless kind of tightly
17 controlled things when it came to economic
18 growth and the stabilization as to prices.
19 And the price of these sorts of items fall
20 under those efforts to control prices.

21 Now, prior to the year 2000 -- I
22 should say, actually, during the '90s --
23 before the '90s, basically, a lot of
24 companies, including Ramen companies, all
25 went in and basically had to obtain
00007:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 approval if and when it was necessary to
03 raise the prices.

04 Following the '90s, basically,
05 the government would summon the most
06 representative company among them, that

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:59:10 PM

Joong Rak Lee

07 is, the company with the largest market
 08 share, and grant approval on an exemplary
 09 basis.

4. PAGE 7:10 TO 7:17 (RUNNING 00:00:24.300)

10 And it so happens that the arm
 11 of the government that is responsible for
 12 controlling prices, it used to be the
 13 Ministry of Economic Planning. And at one
 14 time or another, it was also known as the
 15 Finance and Economics Ministry. And now
 16 it is called the Ministry of
 17 Planning/Finance.

5. PAGE 7:21 TO 7:22 (RUNNING 00:00:05.104)

21 A. And within the ministry,
 22 presently, there is a --

6. PAGE 8:03 TO 8:25 (RUNNING 00:01:09.892)

03 A. -- there is a Bureau of Economic
 04 Policy, underneath which there are four to
 05 five departments. And the most important
 06 one of them is the Department of Price
 07 Policy.

08 And so basically, what our
 09 company would have to do would be to
 10 explain to them the present situation and
 11 what kind of phenomena are out there that
 12 compel us to want to seek a price increase
 13 and how that might impact the bottom line
 14 as for us.

15 And this, mind you, comes after
 16 the company internally takes a look at how
 17 and if -- if and how there are other ways
 18 through management innovations and what
 19 have you that we could somehow absorb
 20 certain impacts internally. If all else
 21 fails, then we end up saying to the
 22 government, "We are going to need to kind
 23 of cover things by yea much" and thus
 24 basically submit some material to that
 25 effect.

7. PAGE 9:19 TO 9:24 (RUNNING 00:00:20.151)

19 Now, starting around 2008, this
 20 matter was no longer limited to the
 21 Ministry of Planning and Finance, because
 22 even in the overall food sector, the
 23 Ministry of Agriculture and Food started
 24 applying price controls.

8. PAGE 9:25 TO 10:13 (RUNNING 00:01:14.834)

25 And, as such, at that time, just
 00010:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 to recite some names of individuals with
 03 whom we would be in contact, there was the
 04 head of the bureau, Chang Beom Lee, and
 05 team leader, In Hong Yeo, who is actually
 06 presently the deputy minister of the
 07 Ministry of Food. And there was also an
 08 officer by the name of Jae Gab Lee. And
 09 on the part of the Ministry of Planning
 10 and Finance, there was a Bureau Chief,
 11 Cheol Gao Park, and the deputy head, Jong

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:59:10 PM

Joong Rak Lee

12 Hwa Lee, and an investigator by the name
 13 of In Young Park.

9. PAGE 10:14 TO 11:07 (RUNNING 00:00:57.243)

14 And now, more recently, with
 15 respect to the 2011 price increase by us,
 16 on that occasion, instead of seeking the
 17 approval from the Ministry of Planning and
 18 Finance first, we sought to obtain
 19 approval from the Ministry of Agriculture
 20 and Food, who then, in turn, consulted
 21 with the Ministry of Planning and Finance
 22 during the deputy secretary --
 23 THE INTERPRETER: Strike.
 24 A. -- the conference of the deputy
 25 secretaries for price stabilization.
 00011:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 And then, in turn, with the
 03 Ministry of Planning and Finance granting
 04 their approval, that ultimately was kicked
 05 upstairs to the Blue House. That is the
 06 approval process that we undertook on that
 07 occasion.

10. PAGE 11:08 TO 12:12 (RUNNING 00:01:31.865)

08 So on that occasion, when we
 09 were obtaining the approval from the
 10 Ministry of Agriculture and Food, we
 11 submitted certain materials, which was
 12 scrutinized by their internal experts and
 13 also by a certain research entity that is
 14 subordinate to the Ministry of Agriculture
 15 and Food, whose members basically pored
 16 over all our material to verify the
 17 details.
 18 And whereas, typically, when we
 19 would obtain government approval, it would
 20 be -- it would consume about three months
 21 before there was any final decision. But
 22 here, when going through the Ministry of
 23 Agriculture and Food, it took us nine
 24 months.
 25 And also among the decisions
 00012:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 that they would make would be when to have
 03 this price increase become effective as
 04 part of the overall price control policy
 05 on the part of the government.
 06 And by that, I'm talking about
 07 how whereas they monitor prices and such
 08 things within the marketplace on a monthly
 09 basis, they would come to a certain
 10 decision as to when might be the
 11 appropriate time to effectuate such a
 12 price change.

11. PAGE 12:13 TO 14:09 (RUNNING 00:02:39.461)

13 And briefly to relate to you the
 14 individuals with whom we interfaced in
 15 obtaining approval and such, first of all,
 16 there was this individual named Beom Kook
 17 Kwak, who now serves as the president of
 18 KDIC, Korea Depository Insurance
 19 Corporation.
 20 There was a manager-level

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:59:10 PM

Joong Rak Lee

21 individual who was in charge of the
 22 Department of Food Policies, namely,
 23 Myeong Cheol Choi, and an
 24 investigator-level individual named Hyeong
 25 Sik Kim. So together with those
 00013:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 individuals, we worked on the matter for
 03 nine months and obtained final approval.
 04 And, as I said, the approval
 05 would entail such things as the timeframe
 06 for the implementation, a certain day in
 07 certain month, the items subject to this
 08 price increase, the suggested consumer
 09 price per individual item, the rate of
 10 increase as a matter of percentage of the
 11 choonggo price, the absolute actual amount
 12 that thus gets raised, and so forth. This
 13 was all part of the ultimate decision.
 14 Now, lastly, there was this
 15 thing about how to inform the press, the
 16 media, about this price increase. And so
 17 what we would do is we would create some
 18 PR-related material and take it in to the
 19 ministry. And the food -- Agriculture and
 20 Food Ministry would take a look at it, and
 21 they would basically approve what we would
 22 say, or otherwise, they would say, "This
 23 is the way you're going to break this."
 24 And so then upon being granted
 25 approval in that regard, we would bring it
 00014:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 back and provide that to our PR team, and
 03 they would deal with the press, as
 04 necessary.
 05 So to recap, there were
 06 basically four aspects to these approvals;
 07 namely, it has to do with the timing --
 08 the items, the rate of increase, and the
 09 amount as increased, plus PR aspects.

12. PAGE 14:10 TO 16:04 (RUNNING 00:02:47.762)

10 And then came September of 2008.
 11 Basically, I'm talking about the Lehman
 12 Brothers incident that took place around
 13 the end of 2007 that basically became a
 14 worldwide financial global crisis, upon
 15 which prices, the cost of raw materials,
 16 skyrocketed.
 17 And now, this round, we were
 18 dealing with a minister-level individual
 19 named Jin Sik Yoon, who was the first
 20 minister within the Blue House,
 21 responsible for the economy.
 22 And our then CEO, Mr. Wook Son,
 23 says, "Look. I've got an appointment with
 24 Minister Yoon. You guys need to prepare
 25 material. You come with me."
 00015:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 And so he took me. And there, I
 03 basically put on a presentation before
 04 Minister Yoon. I explained to the parties
 05 there as to why we found it necessary to
 06 raise prices in spite of our best efforts
 07 to bring about a company wide innovation.
 08 And mind you, this Mr. Son of
 09 ours was a long-time Samsung man, known

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:59:10 PM

Joong Rak Lee

10 for his efforts at innovation within the
 11 company. And, basically, of all the
 12 factors that gave rise to that justified
 13 our having to raise our prices, we were
 14 settling for just 50 percent of what was
 15 necessary.
 16 And so aside from Minister Yoon,
 17 just to talk in terms of the parties who
 18 were present, there was a administrative
 19 officer by the name of Hyeong Il Lee.
 20 And so needless to say, these
 21 were very complex and difficult processes
 22 that we were having to go through to
 23 obtain the approval of the government.
 24 For our company, this was a very
 25 serious and difficult matter. It's not
 00016:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 the thing you get to or want to discuss
 03 with any other company out there. This
 04 was something very important for us.

13. PAGE 16:05 TO 16:21 (RUNNING 00:00:56.234)

05 Needless to say, this was
 06 something that was -- this was something
 07 important for the company. And should
 08 the -- should this kind of information
 09 somehow be breached, if somehow there's a
 10 leak, then everything would come to a
 11 stop.
 12 And, as such, the only people
 13 who were privy to this were Mr. Son
 14 himself and Mr. Sang Yoon Lee, our CEO,
 15 and Mr. Jong Seock Yoo, our EVP, who was
 16 my boss, and, of course, myself. So it
 17 was basically just those three
 18 individuals, aside from myself, who were
 19 privy to this kind of information in these
 20 efforts of ours in dealing with the
 21 government.

14. PAGE 16:22 TO 18:03 (RUNNING 00:02:11.250)

22 Now, of late, the Ministry of
 23 Planning and Finance set up a price
 24 control HQ named the Consumer -- Council
 25 of Consumer Associations for price control
 00017:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 purposes.
 03 And I recall, as such, going in
 04 and providing an explanation sometime in
 05 the spring of 2009 to Messrs. Cheon Ju
 06 Kim, who is the head of said council,
 07 Jeong Soo Lee, who was the Secretary
 08 General there, Young Joo Kim, the head of
 09 the price control HQ.
 10 And they, in turn, would turn
 11 around and provide their own analysis and
 12 take on things to the Ministry of Finance
 13 and -- Planning and Finance in making
 14 certain recommendations concerning price
 15 controls. So this is another way to say
 16 that the government has conducted price
 17 control in various ways.
 18 So we would deal with the
 19 government itself, the government, per se.
 20 We would deal with certain lower-echelon

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:59:10 PM

Joong Rak Lee

21 entities within government. We would also
 22 deal with certain either professional or
 23 dedicated entities under their auspices.
 24 And the point is that the
 25 Country of South Korea has exercised a
 00018:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 very deliberate and systematic approach to
 03 controlling prices over the years.

15. PAGE 18:04 TO 18:13 (RUNNING 00:00:35.917)

04 And also during 2008, aside from
 05 the main bodies of the government, even
 06 the KFDA basically started demanding that
 07 we account for certain price-related
 08 aspects, all as part of their price
 09 stabilization policies. So having been
 10 summoned, I recall going in there on two
 11 occasions and providing an explanation to
 12 a certain manager by the name of Jae Yong
 13 Lee.

16. PAGE 18:14 TO 19:24 (RUNNING 00:02:02.663)

14 And as I related to you
 15 previously, there was this meeting amongst
 16 deputy ministers from various departments
 17 within the South Korean government having
 18 to do with price stabilization.
 19 And I recall there being a
 20 bureau head of the Department of Food at
 21 one time or another saying, "Either don't
 22 allow a price increase as to Ramen
 23 products or allow only for a minimum price
 24 increase."
 25 And upon hearing something like
 00019:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 that, I thought that, Okay. So this is
 03 going to take quite some while.
 04 And the fact of the matter is
 05 one cannot effectuate a price increase in
 06 the absence of government approval,
 07 because that immediately impacts your very
 08 existence as a company, your ability to
 09 conduct sound management, your ability to,
 10 in fact, make ongoing investments.
 11 So as such, the issue of whether
 12 or not to increase price, this is always a
 13 very difficult matter, for which reason
 14 you necessarily must obtain government
 15 approval. It's to the point where the
 16 company saw fit to have a dedicated
 17 person, sort of an expert in these
 18 matters, namely, yours truly.
 19 And, basically, I, from the
 20 perspective of planning, would prepare for
 21 these sorts of things. I would make
 22 reports to my higher-ups. I would
 23 sometimes, as necessary, provide
 24 explanations, as I've previously entailed.

17. PAGE 19:25 TO 20:15 (RUNNING 00:00:37.151)

25 And this whole process, the kind
 00020:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 of work involved, is something that would
 03 require as to -- would require me to go
 04 and appear before these government

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:59:10 PM

Joong Rak Lee

05 officials on 10 to 20 occasions, maybe 30
 06 occasions.
 07 And on each occasion, on the
 08 short end, we're talking about maybe
 09 30 minutes; on the long side, maybe three
 10 to four hours, during which, if they so
 11 required, I would provide an explanation.
 12 In addition to the rough information that
 13 we'd provided, I would give them a
 14 detailed explanation as to things and
 15 basically mutually consult.

18. PAGE 20:16 TO 20:20 (RUNNING 00:00:20.490)

16 And I would submit to that it is
 17 all of the foregoing that the Korean
 18 Supreme Court, in its findings of fact and
 19 determination on the law, basically came
 20 to make its judgment.

19. PAGE 20:21 TO 20:23 (RUNNING 00:00:08.603)

21 Q. Did Nongshim Korea ever increase
 22 prices before consulting with the
 23 government about the price increase?

20. PAGE 21:02 TO 21:03 (RUNNING 00:00:04.150)

02 A. To my recollection, I believe
 03 there to have been only one such occasion.

21. PAGE 21:04 TO 21:04 (RUNNING 00:00:03.000)

04 If I may just further elaborate.

22. PAGE 21:05 TO 21:05 (RUNNING 00:00:02.097)

05 This is something that happened in 2008.

23. PAGE 21:05 TO 23:08 (RUNNING 00:02:53.850)

05 This is something that happened in 2008.
 06 And as we've already discussed, this
 07 2007-through-2008 timeframe is when this
 08 global financial crisis came about. And
 09 it was on account of that that there was a
 10 skyrocketing as to all the raw material
 11 costs, from the cost of palm oil to starch
 12 to flour, even the green onions and so
 13 forth and so on.

14 And internal -- internally
 15 within the company, we had just taken
 16 on -- we took on Mr. Son Wook -- Wook Son
 17 as our new CEO, Mr. Son being a long-time
 18 Samsung man, known as the management
 19 process innovator of South Korea.

20 And as things happened to be, he
 21 had brought over with him a cadre of
 22 Samsung executives. The atmosphere
 23 prevailing within the company was -- oh,
 24 it was rather subdued. And, basically,
 25 you weren't -- people couldn't quite say
 00022:01 LEE - HIGHLY CONFIDENTIAL - ATYS' EYES ONLY
 02 anything against the will of upper
 03 management, as such. And, basically, he
 04 did as he saw fit.

05 And in the meantime, the price
 06 of all these items were skyrocketing. And
 07 to make things worse, this was on the eve,
 08 as it were, of the MB, Lee Myung Bak,

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:59:10 PM

Joong Rak Lee

09 administration. And because of that, with
 10 things remaining opaque as to who would
 11 ultimately become the new government
 12 discussion partner, our people didn't
 13 quite know with whom to interface.
 14 And the government bureaucrats,
 15 for their part, they were a little
 16 lackadaisical in terms of things. They
 17 were dragging their feet because,
 18 ultimately, it becomes an issue of
 19 accountability.
 20 And at some point in time,
 21 Mr. Son says, "Okay. If this much is what
 22 we need to obtain in terms of a price
 23 increase, let's say, 100 percent, then
 24 we're going to shoot for only 50 percent
 25 of that. The rest of it we're going to
 00023:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 attain by way of internal innovations,"
 03 which meant there was this period of
 04 restructuring, wherein which the wages
 05 were frozen, both for executives as well
 06 as your lay employee. Effectively, the
 07 company was in -- was running on an
 08 emergency basis.

24. PAGE 23:09 TO 24:21 (RUNNING 00:02:05.936)

09 So just to quickly recap,
 10 Mr. Son was somebody who had virtually no
 11 understanding as to the dynamics affecting
 12 the pricing of Ramen. And with him coming
 13 on-board, we basically no longer had these
 14 other gentlemen; namely, Vice Chairman,
 15 Sang Yoon Lee, and EVP, Jong Seock Yoo,
 16 who, for decades, had been interfacing,
 17 quite well, I would say, with the
 18 government. So now everything was being
 19 run under the new helm of Mr. Son.
 20 And it was sometime thereafter
 21 that the KFTC, as part of the MB price
 22 control efforts, embarked upon its
 23 investigation against our company,
 24 Nongshim.
 25 And as part of that, as I told
 00024:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 you, I remember having to deal with the
 03 Ministry of Planning and Finance, namely
 04 in terms of Cheol Gao Park, the Bureau
 05 Chief, and the -- whatever the officer's
 06 name was, and also with the Ministry of
 07 Agriculture and Food products, more
 08 specifically in terms of the bureau chief,
 09 Chang Beom Lee, and the manager, In Hong
 10 Yeo, who now is a deputy minister, as I
 11 told you.
 12 So having been summoned many
 13 times to appear before them, they
 14 basically said, "Look. Reduce your Ramen
 15 prices." "Reduce your Ramen prices," they
 16 would tell me.
 17 I recall that at least at a
 18 minimum of two to three occasions, I was
 19 haled to appear before the Ministry of
 20 Planning and Finance and probably three or
 21 more times before the Food Department.

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:59:10 PM

Joong Rak Lee

25. PAGE 24:22 TO 25:11 (RUNNING 00:00:42.022)

22 And so that you understand,
 23 Mr. Son was somebody who was an
 24 experienced Samsung guy in terms of the
 25 exportation of electronic products, which
 00025:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 is a way to say that he had no
 03 understanding about the domestic Ramen
 04 space. He basically just didn't
 05 understand things in terms of the
 06 situation we were facing here on the eve
 07 of the launching of a new government under
 08 a new president and how the price of
 09 everything was skyrocketing, such that
 10 many, many Korean companies folded during
 11 this period of time.

26. PAGE 29:03 TO 29:06 (RUNNING 00:00:09.811)

03 Q. Did Nongshim Korea suffer any
 04 punishment or penalty from the government
 05 when it raised prices in 2008 before
 06 consulting the government?

27. PAGE 29:07 TO 31:11 (RUNNING 00:03:10.033)

07 A. I wouldn't say that there was
 08 anything that impacted us in terms of
 09 economic sanctions or anything.
 10 But as I alluded to during the
 11 last hour, I was basically hauled in on
 12 two or three occasions to the Ministry of
 13 Strategy and Finance, and I had to
 14 basically meet with the director general,
 15 Cheol Gao Park, director of price
 16 policies, Jong Hwa Lee, and the
 17 investigator, In Young Park, who basically
 18 put pressure on me, saying, "Reduce the
 19 prices. Reduce the prices."
 20 And then I, of course, was
 21 hauled in on two occasions, as I recall,
 22 to the Ministry of Agriculture, Food, and
 23 Rural Affairs. And I, again, was told by
 24 the director general, Chang Beom Lee, Team
 25 Leader Yeo In -- In Hong Yeo, and
 00030:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 Investigator Jae Gab Lee, again, to reduce
 03 our prices.
 04 And on such occasions, when I
 05 would be overseas on a business trip, one
 06 of my subordinates -- team leader -- then
 07 Team Leader Bo-Gyoo Kim went in to see
 08 these folks in my stead where he was
 09 subjected to the same kind of pressure.
 10 So, as such, you do something without any
 11 prior consultation with them; then they
 12 immediately haul you in.
 13 And, basically, at the end of
 14 the day, it was then chairman, Mr. Wook
 15 Son, who basically had to go in to the
 16 Blue House where he dealt with the
 17 ministerial level head of the economy,
 18 Mr. Yoon, himself.
 19 And so leaving aside any legal
 20 aspects to this, essentially, we're
 21 talking about a loss of trust, you know,
 22 that you may have enjoyed with the

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:59:10 PM

Joong Rak Lee

23 government. And when you're running a
 24 business, this basically tends to impact
 25 you in terms of other regulatory aspects,
 00031:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 such as in terms of the environment,
 03 labor, food safety-related aspects. We --
 04 obviously, when you run a business, you
 05 tend to be -- you find yourself in a
 06 number of different sectors.
 07 So, as such, these sorts of
 08 things tend to become something quite
 09 worrisome. This is something that would
 10 concern us, that did concern us a great
 11 deal, as such.

28. PAGE 31:15 TO 32:16 (RUNNING 00:01:16.311)

15 A. And as I previously explained to
 16 you, there were certain discussions held
 17 at the vice ministerial level for a price
 18 controls. And there were also level --
 19 working-level meetings for slightly
 20 lower-echelon people, in which people from
 21 other governmental bodies, such as the
 22 KFTC, would also be in attendance.
 23 The point here is that if you
 24 are -- seem to be out of line, then it
 25 doesn't pan out too well for you.
 00032:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 For instance, the Ministry of
 03 Industry and Resources, at one time or
 04 another, said, "Don't" -- "You don't need
 05 to print the price of goods on the
 06 packaging." And then they say, "You
 07 should print it."
 08 But on some other occasion, they
 09 say, "Print it, but you print the price
 10 before the price increase."
 11 And, of course, if you don't
 12 comply, they say -- they haul you in
 13 and -- on so many occasions. They say,
 14 "How come you are not complying?" and "Are
 15 you or are you not going to comply?" and
 16 so forth. That's it.

29. PAGE 32:17 TO 32:20 (RUNNING 00:00:12.716)

17 Q. Do you think that the KFTC
 18 investigation in 2008 was a result of
 19 Nongshim's failure to consult with the
 20 government before the 2008 price increase?

30. PAGE 32:21 TO 36:09 (RUNNING 00:04:04.404)

21 A. You know, so all this basically
 22 happened right when Mr. Wook Son came
 23 on-board as our new CEO. Here he was,
 24 known as the evangelist for innovation
 25 within Korea, the Jack Welch of Korea, as
 00033:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 he was known, right then and there during
 03 this 2007/2008 financial crisis.
 04 So out went our Sang Yoon Lee
 05 and Jong Seock Yoo, and, essentially,
 06 under the helm of a new sheriff in town,
 07 who had nothing -- who knew nothing about
 08 the Ramen space, basically, we were
 09 basically looking at a new Korean

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:59:10 PM

Joong Rak Lee

10 government coming -- soon coming into
 11 place, as this was on the eve of the MB
 12 administration being sworn in.
 13 And in view of the dire
 14 circumstances, without any prior
 15 consultation, just because things were so
 16 dire where every day counted, Mr. Son
 17 basically said, "Why don't we just try
 18 raising it by 50 percent."
 19 And you should keep in mind the
 20 fact that the -- these investigations by
 21 the KFTC wasn't just in terms of the Ramen
 22 space; it was also about cookies,
 23 crackers, drinks, and so forth. The KFTC
 24 embarked upon an industry-wide
 25 investigation for all companies out there.
 00034:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 And, yeah. We did figure that
 03 it must be on account of our raising of
 04 our prices that probably resulted in the
 05 investigation.
 06 But here in 2008, this is what
 07 we were thinking. Seeing as how we --
 08 since 2001 and so forth, we would always
 09 obtain the government's prior approval,
 10 and at this point in time, all the
 11 companies out there were raising their
 12 prices in view of the financial crisis.
 13 You know, I was going in to
 14 explain and be on the receiving end of the
 15 pressure from the government authorities
 16 to reduce our prices.
 17 But I would go and appear before
 18 the KFDA, the Ministry of Strategy and
 19 Finance, the Ministry of Agriculture,
 20 Foods -- Food and Rural Affairs, and the
 21 Blue House itself indeed.
 22 And ultimately, it was our
 23 impression that these efforts on the part
 24 of the KFTC was all part of those efforts
 25 to exert downward pressure upon us.
 00035:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 MS. KIM: Mr. Translator, I'd
 03 like to note that the translation at
 04 32:06, "raising it by 50 percent," I
 05 believe the witness said, "raising it
 06 by 50 percent of the cost of" -- I
 07 mean, you don't have to translate
 08 this, obviously, but -- "50 percent of
 09 what they basically intended to
 10 increase" --
 11 MR. DOSKER: "Of increased
 12 cost."
 13 MS. KIM: Yeah. I forget what
 14 the Korean word is. But there was a
 15 Chinese sort of a Korean word that was
 16 complex in there.
 17 THE INTERPRETER: Not 50 percent
 18 of the entire product price is what
 19 you're saying; right?
 20 MS. KIM: Exactly.
 21 THE INTERPRETER: Yes. I
 22 understand, and I apologize for that.
 23 But I thought it was probably clear
 24 based upon context.
 25 MR. LINKH: That's what I

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:59:10 PM

Joong Rak Lee

00036:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 assumed too.
 03 MS. KIM: If you can look at --
 04 THE INTERPRETER: This
 05 interpreter cannot recall the actual
 06 word or words used in conjunction with
 07 that, if there were such. But anyway,
 08 I think contextually, it should be
 09 clear.

31. PAGE 36:10 TO 36:15 (RUNNING 00:00:15.666)

10 MS. KIM: Okay. Thank you.
 11 A. So if I may explain further, if
 12 the absolute price we really needed to
 13 increase our price by was, let's say, 100
 14 Korean Won, then we raised it by only 50
 15 Won.

32. PAGE 36:24 TO 37:04 (RUNNING 00:00:16.665)

24 Q. When you talked to the
 25 government before receiving approval for a
 00037:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 price increase, did you ever receive
 03 written -- written approval from the
 04 government for that price increase?

33. PAGE 37:05 TO 38:07 (RUNNING 00:01:19.636)

05 A. So upon there being a government
 06 approval, the granting of a government
 07 approval, such things would entail the
 08 date on which such an increase would be
 09 effective, the month and the day. It
 10 would also entail the particular items
 11 subject to such an increase, the rate of
 12 the increase, the absolute amount based
 13 upon such rate. And so sometimes, there
 14 would be something formal in terms of
 15 writing, in terms of their notification,
 16 or they would tell us to come in, on which
 17 occasions they would explain things to us.
 18 But prior to all this, you
 19 should keep in mind that they would have
 20 us -- have me bring in a bunch of material
 21 which would undergo several revisions.
 22 And ultimately, they would basically say,
 23 "Okay. That is the way that it shall be
 24 decided."
 25 But if you're asking in terms of
 00038:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 something formal at the end of the day,
 03 there isn't anything like that separately
 04 because these things sort of constitute
 05 something confidential on the part of the
 06 government. And so they don't want to
 07 leave any paper trail in that regard.

34. PAGE 38:08 TO 40:10 (RUNNING 00:02:45.265)

08 So along the same lines, we
 09 would engage in this process, if you will,
 10 and conduct discussions mutually with
 11 these government people. And they would,
 12 from time to time, handle certain
 13 directives, guidelines, if you will, about
 14 the overall rules that pertain to the
 15 Ramen space or other items and about the

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:59:10 PM

Joong Rak Lee

16 amount of any increase, the percentage of
 17 such, and so forth.
 18 So there would be this ongoing
 19 process, during which they would also
 20 suggest what the consumer -- recommended
 21 consumer price shall be, what the chooldgo
 22 price shall be and so forth.
 23 And at the end of the day, when
 24 you engage in essentially the final
 25 discussions, it is from that point on that
 00039:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 the Ministry of Food and -- Agriculture
 03 and Food and Rural Affairs would then
 04 consult with the Ministry of Strategy and
 05 Finance, and they would kick that up to
 06 the Blue House. And this is this
 07 pan-governmental discussion body, if you
 08 will. And they basically decide effective
 09 when these price -- increased prices shall
 10 be applied and so forth.
 11 And as part of this, they also
 12 provide some guidance as to what we need
 13 to say in terms of the PR aspects for
 14 public sentiment purposes. And what we
 15 typically would do is we would draft
 16 something up on an A4-size page and take
 17 it in. And they would basically grant us
 18 approval eventually on that.
 19 And we would say to the public
 20 that on account of such and such issues,
 21 we find it inevitable, but we have to
 22 raise the prices and so forth due to the
 23 impact upon our, say, cost and so forth.
 24 We would also talk about what the
 25 effective date of such an increase would
 00040:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 be and so forth.
 03 And the point here is that the
 04 government essentially finalizes those
 05 things as part of their guidance.
 06 Q. Did the government compel a
 07 specific price for which Ramen could be
 08 increased, or was it a range of prices
 09 that were acceptable, or was it something
 10 else?

35. PAGE 40:13 TO 41:03 (RUNNING 00:00:50.478)

13 A. The way I look at that is this:
 14 If, on account of all the factors that
 15 gave rise to a necessary price increase --
 16 and that is, let's say, 100 percent, the
 17 government, for most of the part, would
 18 not allow that to be reflected. So it's
 19 not a range, so to say, with respect to
 20 each item. They would basically say, "You
 21 hold it at this line." That's the way
 22 things went.
 23 Q. When you say, "You hold it at
 24 this line," does that mean that the
 25 government was telling you that prices
 00041:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 cannot be increased beyond a certain set
 03 number?

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:59:10 PM

Joong Rak Lee

36. PAGE 41:17 TO 41:17 (RUNNING 00:00:01.635)

17 A. Yes. That's right.

37. PAGE 41:23 TO 42:11 (RUNNING 00:00:37.488)

23 A. So that we're on the same page,
 24 it is the government that would set the
 25 rate of increase and the absolute amount
 00042:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 as increased thereby as to the choologo
 03 price for each of these brands, each of
 04 these items, in other words. Indeed, it
 05 would be the government which would set
 06 the consumer price with respect to
 07 everything.
 08 So, again, it's not a ceiling or
 09 a range concept but the actual price as
 10 set by the government in their granting of
 11 their approval.

38. PAGE 49:10 TO 49:12 (RUNNING 00:00:09.604)

10 If Nongshim chose to do so,
 11 could Nongshim charge less than the price
 12 that was approved by the government?

39. PAGE 49:13 TO 49:14 (RUNNING 00:00:01.611)

13 A. No, it couldn't.
 14 Q. Okay.

40. PAGE 49:15 TO 49:18 (RUNNING 00:00:17.705)

15 A. The reason for that is the
 16 burden of -- in terms of the cost as to
 17 the raw materials actually far exceeded
 18 that. So it was such that in the

41. PAGE 49:18 TO 50:04 (RUNNING 00:00:35.819)

18 that. So it was such that in the
 19 government eventually coming to some sort
 20 of a decision to grant approval, they
 21 would take several months in conducting
 22 feasibility studies and taking a look at
 23 what the nexus may be in terms of the
 24 Consumer Price Index and to have
 25 intradepartmental discussions amongst
 00050:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 themselves. And so whenever they would
 03 decide on a certain price for us, we would
 04 just abide by that.

42. PAGE 52:24 TO 53:02 (RUNNING 00:00:12.672)

24 What is the role of the planning
 25 team in implementing a Ramen price
 00053:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 increase in Nongshim Korea?

43. PAGE 53:03 TO 53:08 (RUNNING 00:00:17.692)

03 A. So the planning team undertakes
 04 the internal role of reviewing and
 05 evaluating certain things ultimately for
 06 the purposes of obtaining government
 07 approval as to prospective price
 08 increases.

Case Clip(s) Detailed Report
Friday, November 30, 2018, 4:59:10 PM

Joong Rak Lee

44. PAGE 53:09 TO 54:22 (RUNNING 00:02:14.424)

09 And in concert -- in conjunction
10 with that, what the team does is to
11 monitor the plan versus actual performance
12 in terms of the company's domestic
13 management performance on a monthly basis.
14 Part of that entails keeping a
15 close watch over any changes as to the
16 cost dynamic having to do with raw and
17 sub-materials that go into the making of a
18 product and to keep a -- keep tabs on the
19 overall cost trend -- management cost
20 trend.
21 We also analyze the factors in
22 view of the actual performance and try to
23 ascertain as to what kind of an impact or
24 effect it may have upon the company and,
25 as such, take a long and hard look at the
00054:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 company's management performance. And
03 ultimately, what we get to learn we try to
04 reflect by way of seeking management
05 innovations across the board throughout
06 various regions -- realms of the company.
07 And we try our best to seek internal
08 improvements.
09 And what we are not able to
10 attain in that regard, we basically try to
11 come up with some sort of a plan as to a
12 price increase and typically come up with
13 maybe three to four different proposals,
14 which, after we evaluate, we ultimately
15 make a certain recommendation to the CEO.
16 And based upon mutual
17 consultation with the gentleman, we
18 eventually decide upon a certain, say,
19 direction in terms of how we shall go
20 about engaging the government and
21 convincing them. And then we go and meet
22 up with the government.

45. PAGE 54:23 TO 54:24 (RUNNING 00:00:05.331)

23 Q. How does the planning team come
24 up with a plan for a price increase?

46. PAGE 55:06 TO 55:13 (RUNNING 00:00:29.076)

06 A. So generally, the way it goes is
07 we first try to gain an understanding as
08 to what our certain controllable factors
09 in terms of the load against the company.
10 And we look at things in terms of each
11 product and see at what price things would
12 prove feasible were we to increase the
13 price.

47. PAGE 55:14 TO 55:15 (RUNNING 00:00:04.334)

14 Q. Can you tell me what
15 controllable factors you look at.

48. PAGE 55:16 TO 56:08 (RUNNING 00:00:49.943)

16 A. So by that, I'm talking about
17 expending certain efforts to do better
18 with what we have already got going in
19 terms of, let's say, either cutting down

Case Clip(s) Detailed Report
Friday, November 30, 2018, 4:59:10 PM

Joong Rak Lee

20 on certain investments or seeking greater
21 efficiencies as to our expense -- cost and
22 expenses, seeking out certain customers,
23 and if -- for certain things that we
24 import the raw materials for, maybe
25 seeking out a lower source for such.
00056:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 Basically, I'm trying to
03 describe seeking more -- better
04 efficiencies across the board, certain
05 things that we internally can make an
06 effort to improve upon certain things.
07 That is what I mean by things that are
08 controllable, at least in part.

49. PAGE 56:09 TO 56:10 (RUNNING 00:00:05.176)

09 Q. How often does the planning team
10 come up with a plan for a price increase?

50. PAGE 56:11 TO 56:19 (RUNNING 00:00:31.053)

11 A. In the normal course of things,
12 we don't typically raise our prices. We
13 raise our prices if, and only if, there
14 are certain costs impacting the company's
15 management, such as a rise as to
16 international prices for the raw materials
17 or certain government policies or
18 statutes, such as those having to do with
19 the environment, which impact the company.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:47:21.996)

Case Clip(s) Detailed Report

Joong Rak Lee

Friday, November 30, 2018, 4:59:45 PM

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:59:45 PM

Joong Rak Lee

Lee, Joong R. (Vol. 01) - 03/29/2016

1 CLIP (RUNNING 00:41:25.025)

JOONG RAK LEE, ...

PLAY-0329-FINAL3

61 SEGMENTS (RUNNING 00:41:25.025)



1. PAGE 4:14 TO 4:18 (RUNNING 00:00:03.419)

14 J O O N G R A K L E E,
 15 having previously been duly sworn
 16 by Sharon Lengel, the Notary
 17 Public, was examined and
 18 testified as follows:

2. PAGE 6:04 TO 6:08 (RUNNING 00:00:09.499)

04 Q. Did you meet with any other
 05 people other than counsel to prepare for
 06 today's deposition -- to prepare for the
 07 depositions that you are giving in this
 08 case?

3. PAGE 6:09 TO 7:11 (RUNNING 00:01:22.129)

09 A. Indeed, to the extent that I am
 10 to speak on behalf of the company as to
 11 certain events of the past, as preparing
 12 to testify about the matters pertaining to
 13 the decisionmaking processes involving
 14 price increases, basically, I, as somebody
 15 who has been with the company since '83,
 16 and I have been with the planning arm of
 17 the company throughout all that time,
 18 basically, the core part of my duties
 19 basically being that area I spoke with --
 20 THE INTERPRETER: Strike.
 21 -- the two gentlemen -- EVP Jong
 22 Seock Yoo, and vice chairman, Sang Yoon
 23 Lee, were the two gentlemen to whom I
 24 reported throughout, basically, my career.
 25 So I am going to be testifying as to my
 00007:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 own work experience and, of course, based
 03 upon my own professional understanding as
 04 to things.
 05 But in order, again, to
 06 basically reconfirm certain things that I
 07 know about the relevant topics, I
 08 basically sought out and spoke again with
 09 Mr. Yoo whom I served for 30 years, who,
 10 by the way, has since left the care of the
 11 company.

4. PAGE 9:24 TO 10:05 (RUNNING 00:00:22.286)

24 Q. And just so that I'm clear,
 25 because you're designated to speak on
 00010:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 behalf of Nongshim Corporation on a number
 03 of topics, the topic of the approval of
 04 price increases is the only topic that you
 05 discussed when you met with Mr. Yoo?

Case Clip(s) Detailed Report
Friday, November 30, 2018, 4:59:45 PM

Joong Rak Lee

5. PAGE 10:09 TO 10:25 (RUNNING 00:00:48.947)

09 A. Right. Basically, it was the
10 issue of the price increase that basically
11 has evidently become an issue here both
12 within Korea as well as without. And so I
13 sought -- I wanted to basically go over
14 with the gentleman as to the various
15 processes entailed in the increase and the
16 approval as to the price.

17 And, basically, it was the two
18 of us who, at all times, worked very
19 closely together on these matters. And to
20 me, this is of some significant
21 importance. In fact, I feel that this is
22 a rather important issue. And so in order
23 to reconfirm my own understandings, I
24 basically sought him out and discussed
25 with him that aspect only.

6. PAGE 12:09 TO 12:10 (RUNNING 00:00:07.696)

09 Q. And could you tell me how long
10 you met with Mr. Yoo that day.

7. PAGE 12:11 TO 12:18 (RUNNING 00:00:21.471)

11 A. So we had coffee, and this was
12 around the lunch hour. And here, you
13 know, this is my old, dear boss, somebody
14 whom I served for a long time, somebody
15 who I don't get to see all that much
16 anymore. So certainly, we had lunch
17 together. And so I -- together, I think
18 maybe we spent a good three hours or so.

8. PAGE 12:19 TO 12:21 (RUNNING 00:00:08.940)

19 Q. And when you met with him for
20 that three hours or so, can you tell me
21 what it is that you discussed.

9. PAGE 12:24 TO 13:14 (RUNNING 00:00:36.867)

24 A. So basically, our discussion
25 essentially entailed things about the
00013:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 decisionmaking process in re a price
03 increase within the company and that we
04 basically retraced how things -- how we
05 did things; "Didn't we do things this
06 away?" for instance. And we also
07 discussed things about the process via
08 which we went about seeking the
09 government's approval and the methodology,
10 as such. And that's basically what we
11 mostly discussed. But aside from that, I
12 basically said, "So how are you doing?
13 How's life after retirement?" and things
14 like that.

10. PAGE 13:15 TO 13:17 (RUNNING 00:00:08.483)

15 Q. So what did you discuss about
16 the process of -- for approval of price
17 increases, specifically, for three hours?

11. PAGE 13:18 TO 15:07 (RUNNING 00:01:57.235)

18 A. It did last for three hours, but

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:59:45 PM

Joong Rak Lee

19 the time we spent talking about the
 20 approval --
 21 THE INTERPRETER: Strike.
 22 A. -- the decisionmaking process
 23 concerning price wasn't all that long,
 24 from what I can recall.
 25 But to entail, we just kind of
 00014:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 retraced the internal decisionmaking
 03 process in regard to price. And,
 04 basically, those were hinged around
 05 certain movements in terms of the
 06 management performance or the results
 07 thereof.
 08 And to the extent certain, say,
 09 factors, as seen of late, having to do
 10 with anything that might impact the
 11 management costs and expenses tend to have
 12 some impact on these -- and what -- by
 13 that, what we're talking about is anything
 14 that could potentially impact the
 15 management performance going forward,
 16 meaning, such as the profit structure and
 17 et cetera.
 18 Basically, the first thing we
 19 would do, typically, would be to seek some
 20 internal management improvements and
 21 innovations. And, basically, the idea
 22 would be to see how much we could absorb
 23 ourselves. And to the extent we felt that
 24 such would not be feasible, then we would
 25 try to come up with at least three
 00015:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 plans -- three plans, typically, in order
 03 to deal with this. And then some
 04 reporting would be made to the CEO, and if
 05 the CEO grants us approval, then, and only
 06 then, would we contact the government to
 07 begin negotiations.

12. PAGE 15:08 TO 17:09 (RUNNING 00:02:27.132)

08 Now, to quickly go through the
 09 approval process on the part of the
 10 government. We basically first present
 11 them certain basic plans on our part. We
 12 present them to the appropriate ministry
 13 or the bureaus within the government, and
 14 the government will take a look at these
 15 documents that we submitted. They would
 16 revise or amend as appropriate.
 17 And, basically, they would
 18 ultimately look into the appropriateness
 19 and the reliability of certain things by
 20 engaging their own experts. And they,
 21 after scrutinizing it, as such, if they
 22 believe that it is somewhat doable, then
 23 they have to consider how that may
 24 possibly impact what's called the price
 25 index.
 00016:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 You see, there are very specific
 03 price-related target numbers on the part
 04 of the government. And it so happens that
 05 Ramen, among the various food products, is
 06 given the highest weight as to these
 07 things as seen in terms of the goals. And

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:59:45 PM

Joong Rak Lee

08 so they look at this from various
 09 perspectives, including timing, including
 10 the potential impact vis-`-vis the price
 11 indices. And if they deem it as still
 12 feasible, then they put that to an
 13 internal discussion among the various
 14 different ministries. And typically,
 15 we're talking about the Ministry For
 16 Strategic Planning and Economy and the
 17 Ministry For Agriculture, Foods, and Rural
 18 Affairs.
 19 Now, assuming they find
 20 everything feasible, they would summon us
 21 to come by several times. And so via
 22 those means, they ultimately present some
 23 guideline to us, along which lines we
 24 basically draft things anew. And,
 25 basically, that is put to the government's
 00017:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 final decisionmaking/approval process.
 03 Now, assuming the approval is
 04 granted at the end of the day --
 05 THE INTERPRETER: Strike.
 06 A. Now -- and that is how we are
 07 granted the ultimate government approval.
 08 And it was concerning all of the foregoing
 09 that Mr. Yoo and I discussed.

13. PAGE 22:09 TO 22:16 (RUNNING 00:00:28.280)

09 Q. Aside from discussing the
 10 government's involvement in Nongshim
 11 Korea's approval requests concerning the
 12 pricing of Ramen products, I would like
 13 you to tell me how did Nongshim Korea
 14 determine -- how did Nongshim Korea decide
 15 what the -- how to price Ramen products
 16 from 2001 through 2010?

14. PAGE 22:21 TO 23:18 (RUNNING 00:00:56.409)

21 A. So as I previously discussed,
 22 speaking with respect to the internal
 23 decisionmaking processes, first of all,
 24 the first thing we do is to take a look at
 25 what's going on in terms of our
 00023:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 management -- managerial, rather,
 03 performance in terms of the trends, which
 04 we closely try to monitor. If there seems
 05 to be something awry, if there are any
 06 anomalies, then we look into what may have
 07 given rise to such.
 08 Now, typically, there are
 09 certain factors, such as anything
 10 impacting the cost as to the raw and
 11 sub-materials; there may be certain
 12 things, you know, in terms of the factory;
 13 there may be certain things in terms of
 14 R&D; there may be certain things in terms
 15 of the government regulatory environment,
 16 meaning, policy-driven sort of things,
 17 which tend to give rise to there being
 18 added cost loads, cost burdens.

15. PAGE 23:19 TO 24:02 (RUNNING 00:00:27.372)

19 So put another way, when looking

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:59:45 PM

Joong Rak Lee

20 at the raw and sub-material costs, we try
 21 to gain an understanding as to what is
 22 happening in terms of the costs pertaining
 23 to such things as flour, palm oil, starch,
 24 and other raw and sub-material costs for
 25 those materials that comprise basically
 00024:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 the soup flavorings.

16. PAGE 24:03 TO 24:15 (RUNNING 00:00:37.279)

03 And the reason why these factors
 04 having to do with the material costs are
 05 important is because to the extent we need
 06 to basically work closely with the
 07 government in order to obtain their
 08 approval, when it comes to certain things
 09 in terms of the supply-and-demand type of
 10 aspects that are more
 11 international-oriented and so forth, the
 12 government tends to be accommodating,
 13 whereas certain other aspects, the
 14 government tends to want or insist that we
 15 absorb certain cost factors.

17. PAGE 24:16 TO 24:21 (RUNNING 00:00:17.730)

16 Now, anyhow, we go through such
 17 a process in trying to ascertain what may
 18 have given rise to these various cost
 19 aspects. And then we try quantitatively
 20 to take a look at exactly how those
 21 factors tend to impact the bottom line.

18. PAGE 24:22 TO 25:07 (RUNNING 00:00:29.864)

22 And once we get some sort of an
 23 idea as to the potential or actual impact,
 24 as such, then internally, we try to
 25 respond to that by way of either, say,
 00025:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 delaying new investments or trying to
 03 streamline and make more efficient certain
 04 cost implementations from a managerial
 05 perspective. We try to see if there is
 06 any room or potential for us to further
 07 automate our overall factory processes.

19. PAGE 25:08 TO 26:11 (RUNNING 00:01:17.613)

08 Now, based upon those
 09 understandings, when we see that there are
 10 things that we are just not able to cover,
 11 things -- certain factors that are beyond
 12 our control, we try to ascertain the
 13 overall extent of such and then try to
 14 come up with certain responsive measures
 15 as part of our overall looking into how to
 16 go about deciding on the pricing issue.
 17 And as part of that, we come up
 18 with about three plans -- sometimes it's
 19 more, by the way. But we try to come up
 20 with three prospective plans and make
 21 reports unto the higher-ups as part of the
 22 overall decisionmaking process.
 23 Now, typically, when it comes to
 24 price, what the government is interested
 25 in is not things at the box level or, you
 00026:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:59:45 PM

Joong Rak Lee

02 know, package level of several items, but
 03 literally each Ramen item, because that is
 04 how they control the price index. And so
 05 we, within the management planning office,
 06 also basically price things at that level,
 07 meaning, each single item for both the
 08 suggested retail --
 09 THE INTERPRETER: Strike.
 10 A. -- suggested consumer price and
 11 the choalgo price.

20. PAGE 26:12 TO 27:02 (RUNNING 00:00:45.041)

12 And so basically, once those
 13 things are prepared and sorted out in
 14 writing in the form of a report, I would
 15 basically take that and make a report to
 16 my boss, Mr. Yoo, the then-EVP, as well as
 17 the gentleman who's above him, who was
 18 Mr. Sang Yoon Lee, then-CEO and vice
 19 chairman.
 20 And so what I'd like to
 21 emphasize here is that it was via such
 22 decisionmaking processes and
 23 methodologies, indeed, along these
 24 criteria that we would go about handling
 25 the issue of deciding on what shall be the
 00027:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 price.

21. PAGE 39:25 TO 40:11 (RUNNING 00:00:37.830)

25 Q. Well, when I asked you earlier
 00040:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 how Nongshim Korea decides on how the
 03 price of Ramen products are set from 2001
 04 through 2010, one of the factors that you
 05 mentioned is that you'd look at the cost
 06 of raw materials and sub-materials.
 07 And the questions that I'm
 08 asking you are whether -- how do you look
 09 at the cost of raw materials and
 10 sub-materials? Do you receive reports on
 11 them?

22. PAGE 40:15 TO 42:15 (RUNNING 00:02:01.820)

15 A. So speaking with respect to the
 16 2001 timeframe, typically, in dealing with
 17 the issue of price, whereas it is
 18 absolutely necessary to obtain the
 19 government's prior approval, for that, you
 20 need to present appropriate reasons for
 21 such.
 22 And whereas we continue to
 23 monitor our monthly management
 24 performance, if we see, say, from the
 25 present such that, Oh, the price of flour
 00041:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 is jumping, then we get to understand
 03 those things; or if, in comparison to our
 04 targeted, say, goals, somehow if the
 05 performance is lower between this year,
 06 the present year versus the previous year
 07 or the present month versus the previous
 08 month, then, obviously, that would require
 09 us to look into what gave rise to such.
 10 And, you know, the cost of the raw and

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:59:45 PM

Joong Rak Lee

11 sub-materials certainly is one of those
 12 things that we look into.
 13 Now, concerning any jump in the
 14 cost of the raw and sub-materials, that we
 15 can explain to the government, and they
 16 accept that. They allow us to reflect
 17 those things. However, as for any other
 18 types of costs and such, they, let's
 19 say -- how should I say this -- they don't
 20 really want to accept that. So we tend to
 21 pay close attention to any changes as to
 22 the cost of the raw and sub-materials.
 23 And the whole point here is that
 24 the cost of the raw and sub-materials is
 25 one of the first things we look at if, per
 00042:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 chance, we feel that our management
 03 performance is somewhat off.
 04 Now, this is not something that
 05 differs from year to year, for it is
 06 something that we've been doing all along
 07 throughout. In fact, in the post-2010
 08 period too, we've been doing just the same
 09 thing.
 10 Q. And just so that I understand,
 11 we're talking about the cost of raw
 12 materials.
 13 Are you talking about actual
 14 prices paid by Nongshim or market
 15 estimates?

23. PAGE 42:18 TO 43:04 (RUNNING 00:00:32.658)

18 A. So after all, in order to obtain
 19 the government's approval, it needs to be
 20 based upon the actual amounts as
 21 implemented, the price at which we
 22 procured the goods.
 23 Q. Between -- from -- from the
 24 period of time from 2001 through 2010, do
 25 you have an understanding of how many
 00043:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 price increases there were -- that was --
 03 that were implemented with regard to
 04 Korean Ramen product?

24. PAGE 43:05 TO 43:09 (RUNNING 00:00:12.216)

05 A. So in the case of our company,
 06 to my recollection, during said period of
 07 time, we had about six occasions of price
 08 adjustments and one occasion on which the
 09 price was reduced.

25. PAGE 43:10 TO 43:14 (RUNNING 00:00:11.591)

10 Q. Now, this question is for you
 11 rather than the company.
 12 How many of those six occasions
 13 of price adjustments were you personally
 14 involved in?

26. PAGE 43:15 TO 43:20 (RUNNING 00:00:15.438)

15 A. So given the fact that I came
 16 on-board with the company in 1983, and I
 17 was placed within the planning arm for
 18 30 years thereafter, basically, I was
 19 involved in all those occasions stemming

Case Clip(s) Detailed Report
Friday, November 30, 2018, 4:59:45 PM

Joong Rak Lee

20 from 2001 and on.

27. PAGE 52:22 TO 53:05 (RUNNING 00:00:27.561)

22 Q. So, Mr. Lee, before the break,
23 we had discussed the fact that marketing
24 is not involved in these price increase
25 issues; that the policy planning team is.
00053:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 Is there any other team or any
03 other division of Nongshim that's involved
04 in the price increase determine -- price
05 increase determinations?

28. PAGE 53:09 TO 53:19 (RUNNING 00:00:28.169)

09 A. As I have explained a number of
10 times already, this issue having to do
11 with any prospective price increases is
12 rather an important issue. Therefore,
13 planning takes it upon itself, and only
14 upon itself, in making any decisions in
15 that regard. That is basically the spirit
16 of this and the manner in which things
17 have been conducted, without entailing the
18 involvement of any other arm of the
19 company.

29. PAGE 86:25 TO 87:06 (RUNNING 00:00:25.823)

25 Q. Do you know if a -- do you know
00087:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 whether a manufacturer of and seller of
03 Korean noodle products that did not
04 receive approval from the government and
05 raised prices, what, if any, punishment or
06 sanction there would be?

30. PAGE 87:11 TO 88:02 (RUNNING 00:00:49.883)

11 A. Well, I think my opinion in that
12 regard is that, after all, were you to do
13 that without obtaining prior government
14 approval, then for one thing, there would
15 be a lot of pressure on you to reduce your
16 price. And the government could possibly
17 launch some investigations relating to the
18 matter.
19 And there may be other, say,
20 regulatory effects coming from other arms
21 of the government, not just the ones
22 dealing with the price control aspects but
23 from such, say, arms having to do with the
24 environment -- food safety and whatnot.
25 One way or another, I think it's going to
00088:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 have an impact on the enterprise.

31. PAGE 89:08 TO 89:12 (RUNNING 00:00:09.946)

08 Q. What kind of materials did you
09 need to prepare to present to the
10 government -- strike that.
11 What kind of materials did you
12 need to prepare?

32. PAGE 89:14 TO 90:17 (RUNNING 00:01:27.959)

14 A. So we're talking about the
15 material necessary in order to obtain the

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:59:45 PM

Joong Rak Lee

16 government's approval. And, basically,
 17 things remain pretty much the same as it
 18 was then as it is now, as I have, in fact,
 19 explained to you during the previous hour.
 20 Basically, the government wants to --
 21 THE INTERPRETER: Strike.
 22 A. Basically, there are no
 23 differences between then and now in terms
 24 of the material that underlie the
 25 company's decision to seek a price
 00090:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 increase having to do with those factors
 03 that give rise to an increase as to
 04 certain costs. And so there really aren't
 05 any major changes in terms of the
 06 contents.
 07 And what the government is
 08 interested in seeing is that, number one,
 09 there are actual things that give rise to
 10 such factors. And if that be the case,
 11 then when there should be -- they want to
 12 know as to when they should allow a price
 13 increase to go into effect and over what
 14 and how much in terms of the amounts. And
 15 so basically, the point here is that there
 16 isn't a whole lot of change between then
 17 and now.

33. PAGE 90:18 TO 90:20 (RUNNING 00:00:11.494)

18 Q. What were the consequences of
 19 increasing the price of Ramen without
 20 government approval back in the 1980s?

34. PAGE 91:02 TO 92:05 (RUNNING 00:01:31.391)

02 A. The thing is I don't have a
 03 comprehensive understanding in that
 04 regard, because, again, I was fairly low
 05 in my level at that time. But as I
 06 mentioned earlier, were you to try to do
 07 things without prior government approval,
 08 then there -- you know, the government is
 09 always interested in maintaining economic
 10 growth and stabilization as to prices.
 11 And that, in fact, still remains the case
 12 nowadays too.
 13 So were you to do something like
 14 that, then I think, at a minimum, there
 15 would be a lot of pressure exerted against
 16 your company to reduce the prices, and the
 17 government will have its price
 18 control-related arms basically come out
 19 and conduct investigations. And even
 20 other un -- non-related arms of the
 21 government will be deployed on you, and
 22 that might have some effect against your
 23 company's, say, management efforts.
 24 And, basically, these things
 25 were there even during the military junta
 00092:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 and all the way through the more recent
 03 years of democratization. And this still
 04 is potentially always there, as all Korean
 05 citizens are well aware.

Case Clip(s) Detailed Report
Friday, November 30, 2018, 4:59:45 PM

Joong Rak Lee

35. PAGE 94:18 TO 94:20 (RUNNING 00:00:12.213)

18 Q. Can you explain to me what these
19 changes that took place in the 1990s were,
20 to your knowledge?

36. PAGE 94:24 TO 95:17 (RUNNING 00:00:54.237)

24 A. I think my answer really would
25 be kind of similar to my previous ones in
00095:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 that, basically, things got flipped around
03 within the marketplace. We grabbed the
04 larger part of the market share. We
05 started becoming more influential, as
06 such. And I have to be thinking that the
07 government must have found it a bit of a
08 cumbersome -- a bit of a hassle to have to
09 deal with all these companies at once.
10 So rather than that, and perhaps
11 in view of the fact that the price of
12 Ramen happens to be an integral part of
13 the government's price control efforts,
14 they decided to basically just try to
15 control the number one guy so as to ensure
16 that the number one guy or the marketplace
17 not become too distracted.

37. PAGE 96:24 TO 97:04 (RUNNING 00:00:15.523)

24 Q. Did the law change in the 1990s
25 affect whether it was a requirement or a
00097:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 recommendation that was needed to -- from
03 the government to increase prices of Ramen
04 products?

38. PAGE 97:10 TO 97:13 (RUNNING 00:00:08.906)

10 A. When it comes to this business
11 of obtaining government approval, there's
12 no choice there. This is something that
13 you have to obtain de rigueur.

39. PAGE 97:14 TO 97:23 (RUNNING 00:00:26.382)

14 And as for the government, the
15 government found this necessary that they
16 so control prices, especially when it
17 comes to something as important as Ramen,
18 which essentially constitutes a very
19 important food item from a very general
20 perspective, because this directly has to
21 do with the government's approval rate,
22 acceptance rate, and so they naturally
23 found it necessary for their purposes.

40. PAGE 97:24 TO 98:08 (RUNNING 00:00:28.195)

24 Now, in Korea, rice is the
25 staple. That is the staple food item.
00098:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 And the way the government looks upon
03 Ramen as a product is that with one
04 package of Ramen, you can take care of one
05 meal. And, as such, the government not
06 only included this in its price control
07 indices; it gave it a great deal of weight
08 in that regard.

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:59:45 PM

Joong Rak Lee

41. PAGE 98:09 TO 98:19 (RUNNING 00:00:32.782)

09 So whereas with rice, you need
 10 rice plus the condiments, what we call
 11 "banchan" in Korean.
 12 THE INTERPRETER: B-A-N-C-H-A-N.
 13 A. But with Ramen, you have the
 14 Ramen noodles, and along with that, you
 15 have the soup, which is -- which consists
 16 of basically not just agricultural but
 17 also meat items. And so I think that's
 18 what led the government to place quite a
 19 bit of significance on Ramen.

42. PAGE 98:20 TO 98:24 (RUNNING 00:00:22.346)

20 Q. When you testified a moment ago
 21 that "When it comes to this business of
 22 obtaining government approval, there is no
 23 choice there; something that you have to
 24 obtain," why do you say that?

43. PAGE 99:05 TO 100:12 (RUNNING 00:02:07.275)

05 A. I say that because Ramen, as I
 06 have described, is a very important item
 07 for which the country conducts close
 08 monitoring, and the government basically
 09 does that on a monthly basis by way of the
 10 Bank of Korea, the central bank.
 11 And, indeed, Ramen, as an item,
 12 is something that is subject to ongoing
 13 price control on the part of the
 14 government entity, which is now going by
 15 the name of the Ministry of Strategy and
 16 Economy, which previously went by some
 17 other similar names.
 18 The point here is that it is so
 19 much so to the point where the
 20 price-related deputy ministerial
 21 conference, there, it is my understanding
 22 that when all these deputy ministers from
 23 the various minister -- ministries of the
 24 government gather about, they talk about
 25 Ramen specifically, based upon what we
 00100:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 gather, and also as has been -- as has
 03 been made known by some of their official
 04 communiquis.
 05 The whole point here is that
 06 Ramen, as a food product, is something
 07 that directly impacts the public
 08 sentiment. And, as such, it constitutes a
 09 significant barometer on the perspective
 10 of the powers that be -- barometer on the
 11 part of the powers that be -- for the
 12 powers that be.

44. PAGE 100:13 TO 100:20 (RUNNING 00:00:22.829)

13 Q. But when you use the words that
 14 "when it comes to obtaining government
 15 approval, there's no choice there,"
 16 that -- why would there be no -- why would
 17 there be no choice?
 18 What would be -- what would
 19 happen to the company if you did not seek
 20 approval?

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:59:45 PM

Joong Rak Lee

45. PAGE 101:02 TO 102:17 (RUNNING 00:02:16.273)

02 A. So you're asking as to why we
 03 would seek to obtain the government's
 04 approval.
 05 Well, the first part is that is
 06 what company management has always been
 07 doing from eons ago. That is, in fact,
 08 what they still do. If you weren't do
 09 that, then there can be some undue effects
 10 on the company's ability to conduct sound
 11 management here, in the Korean context, on
 12 account of certain regulatory measures
 13 coming your way from the government.
 14 There is just no way you can prevail
 15 against such powers.
 16 Now, you being not --
 17 non-Korean, perhaps you might not be able
 18 to understand this. But aside from
 19 downward pressures exerted against you,
 20 the government can launch investigations.
 21 There can be some problems in terms of you
 22 seeking financing from the food product
 23 itself or the perspective of the food
 24 product itself. There could be some
 25 safety-related regulatory hassles.
 00102:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 So basically, from the
 03 perspective of having to manage a company,
 04 this could potentially end up entailing
 05 the engagement of or really the
 06 expenditure of a lot of time and
 07 resources.
 08 Depending on the circumstances,
 09 you may end up coming to a standstill.
 10 You may not be able to conduct further
 11 business. It just might affect whether
 12 you get to survive as a company or not.
 13 Lots of things can transpire. And the way
 14 Korean businessmen look at the risk
 15 factors affecting them, the one base risk
 16 that people recognize is governmental
 17 risk.

46. PAGE 102:18 TO 102:21 (RUNNING 00:00:12.211)

18 Q. Now, we know from your prior
 19 testimony last week that in 2008, Nongshim
 20 did increase the price but did not seek
 21 approval; correct?

47. PAGE 102:25 TO 103:12 (RUNNING 00:00:41.564)

25 A. Throughout my entire career,
 00103:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 ever since I came on-board with the
 03 company, if one were to ask me, there are
 04 two things that stick out in my mind in
 05 terms of having been the most shocking
 06 events of the history of the Republic of
 07 Korea, things that impacted the overall
 08 management culture, the overall landscape
 09 of things; namely, those two things are,
 10 firstly, the IMF financial crisis in which
 11 the country ran out of available foreign
 12 currency, the dollars --

Case Clip(s) Detailed Report
Friday, November 30, 2018, 4:59:45 PM

Joong Rak Lee

48. PAGE 103:14 TO 103:24 (RUNNING 00:00:36.657)

14 A. -- dollars. It was so much so
15 to the point where droves of people were
16 laid off; factories closed their doors.
17 That was in 1997, 1998, if memory serves.
18 Now, in the 2007/2008 timeframe,
19 there was the worldwide global financial
20 crisis which had begun in the
21 United States, which, in fact, impacted
22 Korea in -- with such a force that it was
23 tantamount to the impact Korea had
24 suffered under the IMF.

49. PAGE 103:25 TO 104:05 (RUNNING 00:00:22.084)

25 And on account of that, our
00104:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 company swapped out its top management,
03 and in lieu of the previous team, in came
04 a former Samsung man, Mr. Wook Son, as
05 basically CEO/vice chairman.

50. PAGE 104:06 TO 104:20 (RUNNING 00:00:51.037)

06 Now, Mr. Son, known among many
07 as the evangelist for innovation, the
08 Korean Jack Welch, and so forth, he came
09 in. And unlike the previous management,
10 he started doing things differently,
11 innovate -- conducting innovation, as it
12 were, in concert with a particular
13 consulting group that he brought in along
14 with him.
15 Now, time was when -- right at
16 that time, all these raw materials
17 skyrocketed in terms of their respective
18 costs. We're talking about flour, palm
19 oil, starch, et cetera. Basically, they
20 were shot up by 100 percent.

51. PAGE 104:21 TO 105:03 (RUNNING 00:00:26.657)

21 Now, right at that point in
22 time, when all these myriad factors gave
23 rise to the skyrocketing of costs and so
24 forth, the government -- the -- what
25 became -- what Koreans call the MB
00105:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 administration, under President Lee
03 Myun-Bak, had yet to be sworn in.

52. PAGE 105:04 TO 105:25 (RUNNING 00:01:10.502)

04 And so with that as the
05 background, what -- the new CEO in charge,
06 Mr. Son, said, "Okay. Of -- in view of
07 all the things that necessitate a price
08 increase on our part, we're going to
09 reflect only 50 percent of what we really
10 need to raise, and the rest of it we're
11 going to absorb by way of conducting
12 internal innovations, namely, basically,
13 restructuring in terms of personnel, also
14 in terms of readjusting the company's
15 investment needs and so forth."
16 And so in comparison to the
17 previous management, basically, you can
18 well imagine that there is not a whole lot

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:59:45 PM

Joong Rak Lee

19 of -- people weren't able to communicate
 20 with each other. There were the outgoing
 21 gentleman, and here is the new man in
 22 charge. And so it was under Mr. Son's
 23 direction -- basically, he took it upon
 24 himself to raise the price at that point
 25 in time.

53. PAGE 106:09 TO 107:09 (RUNNING 00:01:17.883)

09 And, as such, effective February
 10 of 2008, we went through a price increase
 11 upon which the --
 12 THE INTERPRETER: Subject to
 13 further verification as to the proper
 14 noun by the interpreter later.
 15 A. -- the Bureau of Food Safety
 16 under the KFSA called me -- and on two
 17 occasions. And they explained things,
 18 telling me, "Please reduce your prices."
 19 And then come July of 2008 --
 20 this, I think, may have been on two
 21 occasions or so -- I was haled into the
 22 Ministry For Strategy and Economy. And,
 23 basically, I was told by three gentlemen
 24 there, who were respectively Messrs. Cheol
 25 Gao Park, Park being the --
 00107:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 THE INTERPRETER: Subject to
 03 further verification.
 04 A. -- head of the bureau, and a
 05 manager named Jong Hwa Lee, and an
 06 administrator named In Young Park, who
 07 basically told me, "Reduce your prices;
 08 else, we're going to start an
 09 investigation."

54. PAGE 107:10 TO 107:10 (RUNNING 00:00:03.005)

10 Q. Is this -- was this in 2008?

55. PAGE 107:11 TO 107:11 (RUNNING 00:00:01.784)

11 A. Yes. Yes. And I was also haled

56. PAGE 107:11 TO 108:04 (RUNNING 00:01:03.741)

11 A. Yes. Yes. And I was also haled
 12 into the Ministry For Agriculture, Foods,
 13 and Rural Affairs, which, by the way, is
 14 the arm of the government that directly
 15 oversees us. This was on three occasions.
 16 Two I was personally there. The other one
 17 time, I was on a business trip to Japan.
 18 So one of my subordinates went in.
 19 And anyhow, the people present
 20 on the government's side were the head of
 21 the bureau, Chang Beom Lee, a manager/team
 22 leader, In Hong Yeo, and an investigator
 23 named Jae Gab Lee, who is presently the
 24 deputy minister of the Ministry of
 25 Agriculture, Foods, and Rural Affairs.
 00108:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 And it's the same deal, basically. They
 03 put pressure on us, saying, "Reduce the
 04 price."

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:59:45 PM

Joong Rak Lee

57. PAGE 108:05 TO 108:05 (RUNNING 00:00:01.193)

05 Q. Did you reduce the price?

58. PAGE 108:06 TO 109:21 (RUNNING 00:02:29.978)

06 A. Oh, as a matter of fact, so we
 07 had to explain to them that because of the
 08 undue pressures put on us in terms of
 09 the -- on account of the rise in the
 10 underlying costs, "We had no choice" is
 11 what we said.

12 And to that end, we persuaded
 13 these folks from the various arms of the
 14 government, ranging from the Ministry For
 15 Strategy and Economy, the Ministry For
 16 Agriculture, Foods, and Rural Affairs, the
 17 KFDA, and, say, the price control
 18 headquarters, which is subordinate to this
 19 one consumer organization. Basically,
 20 we're talking about the secretary general
 21 there. We basically talked to those
 22 folks.

23 And then Vice Chairman Son and I
 24 basically to -- had to go to the Blue
 25 House and interface with Mr. -- the
 00109:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 Honorable Mr. Jin Sik Yoon, who was
 03 serving as the presidential advisor on
 04 economic affairs, and an administrator by
 05 the name of Hyeong Il Lee.

06 And, basically, we tried our
 07 best to convince them, to enlighten them
 08 as to the circumstances in that aside from
 09 the IMF crisis -- this, as you will
 10 recall, I consider this to be one of those
 11 two major events that we had not seen
 12 prior to that.

13 I said just under those
 14 circumstances, we increased it just by the
 15 least amount we could, and thus begged
 16 their forgiveness and indulgence. And we
 17 apologized profusely, saying we will never
 18 do this again, and went to all these
 19 various places up and down and tried to
 20 placate them. And, basically, it was just
 21 such an ordeal on our part.

59. PAGE 109:22 TO 110:02 (RUNNING 00:00:16.200)

22 And our company's take on the
 23 KFTC investigation itself is too that it
 24 probably must be on account of such;
 25 meaning, basically, we rubbed them the
 00110:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 wrong way.

60. PAGE 145:18 TO 145:20 (RUNNING 00:00:15.172)

18 Q. How do you know that -- how do
 19 you know that Nongshim needs government
 20 prior approval before a price increase?

61. PAGE 145:24 TO 146:03 (RUNNING 00:00:10.925)

24 A. That's the way it's been ever
 25 since I came on-board with the company,
 00146:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 which, if my math is correct, I am in my

Case Clip(s) Detailed Report
Friday, November 30, 2018, 4:59:45 PM

Joong Rak Lee

03 33rd year now. And so need I say more?

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:41:25.025)

COURT EXHIBIT 36b

KoreanNoodles

Lee, Joong Rak (Vol. 01) - 03/21/2016

1 CLIP (RUNNING 00:00:30.024)

LEEJOONGRAK0321-CROSS

2 SEGMENTS (RUNNING 00:00:30.024)



1. PAGE 68:21 TO 68:25 (RUNNING 00:00:13.197)

21 Did Nongshim Korea ever receive
22 a letter from the KFTC dated sometime in
23 2008 stating that the KFTC was
24 investigating collusion among the Ramen
25 companies over the price of Ramen?

2. PAGE 69:04 TO 69:08 (RUNNING 00:00:16.827)

04 A. No, we didn't, which is, as a
05 matter of fact, precisely why it didn't
06 dawn on us that that's what they may have
07 been interested in doing, which explains
08 why we didn't retain counsel.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:00:30.024)

KoreanNoodles

Lee, Joong Rak (Vol. 01) - 03/29/2016**1 CLIP (RUNNING 00:04:59.493)****LEEJOONGRAK0329-CROSS 20 SEGMENTS (RUNNING 00:04:59.493)****1. PAGE 114:24 TO 115:06 (RUNNING 00:00:42.859)**

24 Q. Before we had that little break,
25 I was asking you about Mr. Woo, Executive
00115:01
02 Vice President Woo -- Yoo. Yoo. Thank
03 you -- and whether, from 2001 through
04 2008, he would meet with the government
05 whenever price approval was sought by
06 Nongshim.

2. PAGE 115:10 TO 115:16 (RUNNING 00:00:26.634)

10 A. It was he who did things in that
11 regard from the year 2001 through 2007.
12 So he would take that which had been
13 internally decided within the company and
14 take that and go and meet up with the
15 government folks and basically negotiate
16 for purposes of obtaining their approval.

3. PAGE 115:17 TO 115:18 (RUNNING 00:00:05.235)

17 Q. And after 2007, who did that
18 job?

4. PAGE 115:19 TO 115:24 (RUNNING 00:00:22.059)

19 A. So after that period of time,
20 starting in 2008, it was I myself who did
21 that, and thereafter -- well, I handled
22 the one in 2011. And in the interim,
23 since there were no price increases,
24 nobody handled it.

5. PAGE 119:24 TO 120:03 (RUNNING 00:00:25.759)

24 Q. The KFTC took -- they took
25 witness statements or witness protocols of
00120:01
02 individuals from Nongshim in 2008 or 2011;
03 am I right on that?

6. PAGE 120:12 TO 120:24 (RUNNING 00:00:43.465)

12 A. So if I recall correctly, in
13 2008, about four to five people from the
14 KFTC came to our company. And it was
15 mostly the planning team that they
16 basically raided. And because the
17 planning team was unit that had conducted
18 the price increases, and, as such, they
19 basically went through the desks, the
20 documents, and PCs, what have you. And as
21 I recall, at that point in time, it was I
22 who was haled into the KFTC. And on each
23 occasion, I remember spending a good three
24 to five hours whenever there.

KoreanNoodles

7. PAGE 147:14 TO 147:16 (RUNNING 00:00:06.152)

14 MR. ALBERT: Now, I'm going to
15 introduce an exhibit which -- what
16 number is next one? Okay. 119.

8. PAGE 147:20 TO 147:20 (RUNNING 00:00:02.584)

20 MR. ALBERT: Also 119 T.

9. PAGE 147:25 TO 148:05 (RUNNING 00:00:19.988)

25 MR. ALBERT: I've handed the
00148:01
02 court reporter and passed around
03 Exhibit 119, which is a multipage
04 document, Bates stamped OTGKR-0001365
05 through OTGKR-0001372.

10. PAGE 148:07 TO 148:09 (RUNNING 00:00:03.545)

07 Q. If you could take a look at that
08 statement, and then I'll have some
09 questions.

11. PAGE 170:18 TO 170:20 (RUNNING 00:00:03.743)

18 Q. If you take a look at the last
19 page, is that your signature on the last
20 page?

12. PAGE 170:21 TO 170:24 (RUNNING 00:00:15.775)

21 A. The way I look at this, I don't
22 think this is my signature, per se. This
23 is something obviously handwritten. But
24 my signature is different from this.

13. PAGE 170:25 TO 171:03 (RUNNING 00:00:07.342)

25 Q. Are you saying that the
00171:01
02 signature on this page on 1372 is not
03 yours?

14. PAGE 171:06 TO 171:13 (RUNNING 00:00:38.038)

06 A. So I don't mean to say that I
07 can speak definitively about this, but
08 this here is not a signature by me. That
09 is the thing that follows the portion
10 where my name is printed, following, like,
11 in either ball point pen or an ink pen or
12 whatever. That does not appear to be a
13 signature.

15. PAGE 171:14 TO 171:14 (RUNNING 00:00:03.839)

14 Q. Is that your name in print?

16. PAGE 171:15 TO 171:16 (RUNNING 00:00:04.190)

15 A. Well, it's not something typed,
16 if that's what you mean.

17. PAGE 171:19 TO 171:19 (RUNNING 00:00:01.372)

19 Whose handwriting is that?

18. PAGE 171:20 TO 171:20 (RUNNING 00:00:05.315)

20 A. It was I who put that there.

KoreanNoodles

19. PAGE 171:21 TO 172:02 (RUNNING 00:00:15.046)

21 Q. And next to that -- next to
22 where your name is, where you put your
23 name, it looks to be a fingerprint or
24 thumbprint.
25 Do you remember providing a
00172:01
02 fingerprint or thumbprint?

20. PAGE 172:03 TO 172:03 (RUNNING 00:00:06.553)

03 A. I don't quite recall as to that.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:04:59.493)

COURT EXHIBIT 37a

Case Clip(s) Detailed Report

Won Joon Lee

Friday, November 30, 2018, 4:57:37 PM

Case Clip(s) Detailed Report
Friday, November 30, 2018, 4:57:37 PM

Won Joon Lee

Lee, Won J. (Vol. 01) - 03/23/2016

1 CLIP (RUNNING 00:38:33.249)

WON JOON LEE, ...

WL-0323-FINAL

97 SEGMENTS (RUNNING 00:38:33.249)



1. PAGE 5:13 TO 6:18 (RUNNING 00:01:18.000)

13 W O N J O O N L E E,
14 having first been duly sworn by
15 Sharon Lengel, the Notary Public,
16 was examined and testified as
17 follows:
18 EXAMINATION
19 BY MR. LEBSOCK:
20 MR. DOSKER: Counsel, good
21 morning. As a housekeeping matter,
22 Mr. Lee has been designated on the
23 following topics of plaintiffs'
24 Rule 30(b)(6) notice subject to the
25 objections we've stated: Topics 1 as
00006:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 to U.S. exports to the extent not
03 covered in the depositions back in
04 February; Topic 2 as to U.S. exports;
05 Topic 3 as to U.S. exports; Topic 15
06 as to U.S. exports; Topic 16 except
07 not as to ingredients; Topic 17 as to
08 U.S. exports, which, we don't think
09 that applies to Korea unless you have
10 a question; Topic 18, U.S. exports;
11 Topic 19, U.S. exports; Topic 22, U.S.
12 exports; Topic 26, U.S. exports; Topic
13 27, U.S. exports; Topic 28, U.S.
14 exports; and individually. And, for
15 the record, where I have said "U.S.
16 exports" after various of those
17 topics, that means he's not designated
18 as to the Korean domestic market.

2. PAGE 7:06 TO 7:06 (RUNNING 00:00:01.268)

06 Do you work for Nongshim?

3. PAGE 7:07 TO 7:07 (RUNNING 00:00:01.145)

07 A. Yes.

4. PAGE 7:08 TO 7:09 (RUNNING 00:00:02.294)

08 Q. And how long have you worked for
09 Nongshim, sir?

5. PAGE 7:10 TO 7:12 (RUNNING 00:00:06.640)

10 A. I started working for the
11 company in 1994, so I think it's been
12 almost 21 -- 22 years.

6. PAGE 8:20 TO 8:24 (RUNNING 00:00:15.919)

20 So the duration of your career
21 at Nongshim has really focused on sales in
22 the export markets as opposed to sales in
23 the Korean domestic market.
24 Am I right about that?

Case Clip(s) Detailed Report
Friday, November 30, 2018, 4:57:37 PM

Won Joon Lee

7. PAGE 8:25 TO 9:02 (RUNNING 00:00:02.913)

25 A. That is right. I've worked on
00009:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 exports only.

8. PAGE 9:10 TO 9:11 (RUNNING 00:00:05.687)

10 Q. Have you ever worked for
11 Nongshim America?

9. PAGE 9:12 TO 9:12 (RUNNING 00:00:00.871)

12 A. No.

10. PAGE 22:14 TO 22:18 (RUNNING 00:00:15.716)

14 Q. Okay. And, sir, in the course
15 of your work in the international team,
16 generally, have you had occasion to
17 interact with the planning team for the
18 Korean domestic marketplace?

11. PAGE 22:21 TO 22:21 (RUNNING 00:00:00.716)

21 A. No.

12. PAGE 22:22 TO 23:02 (RUNNING 00:00:13.866)

22 Q. And in the course of your duties
23 on the international sales team, have you
24 had a -- have you had an occasion to
25 interact with the marketing department for
00023:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 the Korean domestic marketplace?

13. PAGE 23:04 TO 23:04 (RUNNING 00:00:00.399)

04 A. No.

14. PAGE 23:05 TO 23:07 (RUNNING 00:00:09.168)

05 Q. Have you heard of a department
06 within Nongshim called the market research
07 team?

15. PAGE 23:08 TO 23:08 (RUNNING 00:00:00.767)

08 A. No.

16. PAGE 23:09 TO 23:10 (RUNNING 00:00:01.989)

09 Q. You never heard of the market
10 research team?

17. PAGE 23:13 TO 23:14 (RUNNING 00:00:04.665)

13 A. No. As for me, not -- not
14 particularly. No.

18. PAGE 23:15 TO 23:18 (RUNNING 00:00:04.336)

15 Q. How about the distribution
16 research team?
17 Have you heard of that
18 organization?

19. PAGE 23:19 TO 23:19 (RUNNING 00:00:00.786)

19 A. No.

20. PAGE 24:03 TO 24:07 (RUNNING 00:00:15.882)

03 Q. Can you recall receiving any

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:57:37 PM

Won Joon Lee

04 information about what the price for
 05 Korean Ramen would be in the Korean
 06 domestic marketplace as part of your job
 07 duties on the international sales team?

21. PAGE 24:12 TO 24:12 (RUNNING 00:00:01.467)

12 A. Not to my recollection.

22. PAGE 28:17 TO 28:18 (RUNNING 00:00:03.138)

17 Q. All right. Well, was Nongshim
 18 America one of your customers?

23. PAGE 28:23 TO 28:23 (RUNNING 00:00:00.630)

23 A. Yes.

24. PAGE 57:05 TO 57:08 (RUNNING 00:00:18.419)

05 Q. And did -- at any point in time
 06 in that 2005-to-2007 time period, did the
 07 international sales division share a floor
 08 with any other Nongshim division or team?

25. PAGE 57:10 TO 57:22 (RUNNING 00:00:47.306)

10 A. To my recollection, it's not
 11 like our international sales division ever
 12 shared anything, because we were off as
 13 our own section. So it's not like there
 14 was anybody sharing our section.
 15 And the fact of the matter is
 16 our export-related work was something that
 17 was taking independently or independent of
 18 anybody else's work. It's not like there
 19 was any need to interface or work together
 20 with any other domestic-oriented, say,
 21 departments within the company, because we
 22 were off on our own as a separate section.

26. PAGE 59:19 TO 60:03 (RUNNING 00:00:27.879)

19 Q. So getting back to my question
 20 as to whether you shared a floor, during
 21 that period of time between 2005 and 2007,
 22 with any other divisions of Nongshim
 23 Korea, what's the answer?
 24 Do you have a recollection of
 25 sharing space on a floor with any other
 00060:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 divisions of Nongshim Korea during that
 03 period 2005 to 2007?

27. PAGE 60:08 TO 60:24 (RUNNING 00:00:50.130)

08 A. Well, so we were off on our own
 09 as our own separate section. And although
 10 I don't quite recall things at this time,
 11 I would believe that just given the fact
 12 that we're talking about a fairly large
 13 space, there probably would have been some
 14 other departments elsewhere.
 15 But what's clear is the fact
 16 that we were off on our own with our own
 17 separate entry way, in fact, and there
 18 aren't any other departments that I can
 19 actually recall at this point in time.
 20 But I think what I'd like to
 21 emphasize is the fact that we were off on

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:57:37 PM

Won Joon Lee

22 our own as a separate section altogether
 23 and that we had our own entry way, and we
 24 had performed our work just separately.

28. PAGE 64:02 TO 64:07 (RUNNING 00:00:20.017)

02 So, sir, you know, in the course
 03 of your day, in that period 2005 to 2007,
 04 did you ever chat with employees that
 05 worked at Nongshim Korea in departments
 06 other than the international sales
 07 division?

29. PAGE 64:09 TO 64:13 (RUNNING 00:00:07.590)

09 A. No. There isn't anything like
 10 that.
 11 Q. No?
 12 Well, you've worked for the
 13 company for many years; right?

30. PAGE 64:14 TO 64:14 (RUNNING 00:00:00.257)

14 A. Yes. That's right.

31. PAGE 64:17 TO 64:21 (RUNNING 00:00:10.367)

17 Q. And over the course of the
 18 decades that you've worked for Nongshim
 19 Korea, you've interacted with many, many
 20 employees from Nongshim Korea, haven't
 21 you?

32. PAGE 65:03 TO 65:15 (RUNNING 00:00:38.297)

03 A. Our unit is a unit dedicated to
 04 the handling of export-related affairs.
 05 That's what we do, and only we do that.
 06 And so it is in that regard that I'm
 07 saying I have not spoken with other people
 08 or discussed anything with others as far
 09 as the work is concerned.
 10 Q. Well, you certainly -- the
 11 question wasn't limited to work.
 12 The question was you've
 13 interacted with many, many employees over
 14 the course of the decades you've worked at
 15 Nongshim Korea; isn't that true?

33. PAGE 65:22 TO 66:16 (RUNNING 00:01:05.846)

22 A. Perhaps I should preface my
 23 answer by saying that this is really
 24 something that is kind of more oriented in
 25 terms of a person's own proclivities or
 00066:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 practices. So work is work, right, for
 03 the company?
 04 But otherwise, in my case,
 05 speaking for myself, I have tended to try
 06 to devote more time to my family and/or my
 07 own personal development. And, yes,
 08 Nongshim has a bunch of people -- a few
 09 thousand -- but it's not like I had any
 10 occasion to interact with each and every
 11 one of them.
 12 As for me, I've tried to invest
 13 more of my time and energies in terms of
 14 both family and myself. And so it's not
 15 like I have interfaced with any person in

Case Clip(s) Detailed Report
Friday, November 30, 2018, 4:57:37 PM

Won Joon Lee

16 particular, to answer you.

34. PAGE 100:04 TO 100:07 (RUNNING 00:00:15.182)

04 Q. When you were on the
05 international sales team, Team 2, were you
06 responsible for setting sales goals or
07 quotas for Nongshim America?

35. PAGE 100:12 TO 100:18 (RUNNING 00:00:20.685)

12 A. There is nothing at all that
13 I've done in that regard. In fact, their
14 company and ours are separate companies.
15 So there isn't anything that I've done in
16 that regard.
17 Q. Did your management require or
18 set sales goals or quotas for you?

36. PAGE 100:23 TO 100:23 (RUNNING 00:00:01.422)

23 A. No.

37. PAGE 116:06 TO 116:08 (RUNNING 00:00:11.814)

06 Q. Have you ever spoken to anyone
07 at Samyang about Nongshim's Ramen
08 business?

38. PAGE 116:12 TO 116:14 (RUNNING 00:00:11.547)

12 A. No.
13 Q. Have you ever spoken to anyone
14 at Ottogi about Nongshim's Ramen business?

39. PAGE 116:16 TO 116:19 (RUNNING 00:00:07.095)

16 A. No.
17 Q. Have you ever spoken to anyone
18 at Paldo concerning Nongshim's Ramen
19 business?

40. PAGE 116:21 TO 116:21 (RUNNING 00:00:00.841)

21 A. No.

41. PAGE 121:16 TO 121:20 (RUNNING 00:00:23.381)

16 Q. When the international sales
17 division decides to adjust pricing for
18 Ramen, does it do so on the basis of
19 changes in the price of Ramen sold in
20 Korean domestic marketplace?

42. PAGE 121:23 TO 121:23 (RUNNING 00:00:01.097)

23 A. Not at all.

43. PAGE 121:24 TO 121:25 (RUNNING 00:00:02.391)

24 Please allow me to further
25 elaborate.

44. PAGE 122:02 TO 124:16 (RUNNING 00:03:11.517)

02 These matters, such as the price
03 within the domestic market and such, even
04 the timeframe of any changes to such, you
05 know, I'm not really too keen on that,
06 rather than things like that.
07 And I've been kind of -- I've
08 repetitively stated this. When it comes
09 to our work within the export side of

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:57:37 PM

Won Joon Lee

10 things, the most important factor -- one
 11 of them is the foreign exchange rate. And
 12 we also are sensitive to the fluctuations
 13 in the raw material costs, especially when
 14 it comes to flour, starch, and palm oil,
 15 so forth.
 16 Another important aspect would
 17 be the manufacturing costs plus the cost
 18 associated with management. And
 19 underneath those, say, categories, there
 20 is the category of export costs. Export
 21 costs also include our sales costs.
 22 And by that, I'm trying to get
 23 at the fact that there are certain costs
 24 that are incurred only by us on the export
 25 side of things. I am referring to such
 00123:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 things as freight charges, container
 03 costs, et cetera, et cetera, which all get
 04 built in. And they comprise our
 05 consideration as to what we shall
 06 designate as being our export profits.
 07 And it is based upon that that
 08 we run simulations and what have you and
 09 make a decision certain as to whether to
 10 raise the price, maintain the price, lower
 11 the price, et cetera.
 12 And aside from the export costs,
 13 there are also the cost of goods sold that
 14 come into play when we make -- when a
 15 determination, rather, as to the price is
 16 made.
 17 Now, speaking as to the cost of
 18 goods, please keep in mind that the export
 19 products are different as to the
 20 specifications as to the ingredients. And
 21 indeed, they are also different from the
 22 domestic products in terms of the cost of
 23 goods sold as well.
 24 Now, as far as my understanding
 25 goes concerning the domestic, you know,
 00124:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 side of things, basically, when you ask in
 03 terms of the timeframe, you know, that's
 04 not something that I've thought about. It
 05 is not something that I contemplate.
 06 So to recap, export has its own
 07 considerations about its own profits. And
 08 it also takes a look at the prevailing
 09 environment in arriving at a certain
 10 decision. It does not look at any other
 11 factors.
 12 Q. At any point in time in the
 13 course of your work for the international
 14 sales division, have you had a need to
 15 understand pricing adjustments for Ramen
 16 in the Korean domestic marketplace?

45. PAGE 124:21 TO 124:22 (RUNNING 00:00:03.723)

21 A. I don't believe there has been
 22 anything like that in particular.

46. PAGE 131:11 TO 131:16 (RUNNING 00:00:16.864)

11 Q. All right. And with respect to
 12 the domestic -- Korean domestic market, to

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:57:37 PM

Won Joon Lee

13 your awareness, is there any type of
 14 transfer price that is assigned between
 15 the Korean factory and the Korean domestic
 16 sales team?

47. PAGE 131:22 TO 131:25 (RUNNING 00:00:04.983)

22 A. Is my understanding correct that
 23 you're now asking me about something about
 24 domestic Korea?
 25 Q. Yes.

48. PAGE 132:03 TO 132:13 (RUNNING 00:00:30.713)

03 A. If that's the case, then, you
 04 know, what happens on the domestic side of
 05 things and what we do in exports, that's,
 06 you know, something completely different
 07 and apart. And when it comes to domestic
 08 things, I don't know.
 09 Q. I think earlier, you testified
 10 that the term "factory price" was not a
 11 term that was commonly used in the
 12 international sales division; is that
 13 right?

49. PAGE 132:17 TO 133:02 (RUNNING 00:00:33.834)

17 A. So what we indicate to the
 18 customers as part of our export-related
 19 activities is the export price. Export
 20 price, in this regard, is in reference to
 21 the FOB price that we apply vis-`-vis such
 22 customers.
 23 Q. Does the international sales
 24 division suggest a retail or -- consumer
 25 or a retail price for the Ramen that it
 00133:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 exports?

50. PAGE 133:05 TO 133:15 (RUNNING 00:00:25.107)

05 A. That is something that is all
 06 the more none of our business. Basically,
 07 during the years '01 through '03, there
 08 were these respective customers out there.
 09 And whether to add a margin or do
 10 whatever, that was entirely their
 11 prerogative.
 12 Likewise, when Nongshim America
 13 was going alone at this, again, it's
 14 entirely up to them, that being their --
 15 the province of their business.

51. PAGE 138:06 TO 138:10 (RUNNING 00:00:25.034)

06 Q. Can you tell me about the timing
 07 of any price adjustment -- price
 08 adjustments to Nongshim America relative
 09 to the change in Korean Ramen pricing by
 10 the domestic Korean sales teams.

52. PAGE 138:15 TO 139:05 (RUNNING 00:00:41.736)

15 A. When you ask that question, do
 16 you mean to ask -- do you mean to explain
 17 to you --
 18 THE INTERPRETER: Strike.
 19 A. Do you mean to first suggest
 20 that there was a change in terms of the

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:57:37 PM

Won Joon Lee

21 export price on account of there being a
 22 fluctuation in the domestic sale price,
 23 and you're asking me to explain things in
 24 that regard?
 25 Q. Yeah. Well, why don't we start
 00139:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 with the first point, which is was there a
 03 change in the export price of Ramen due to
 04 a fluctuation or change in the domestic
 05 sales price of Ramen?

53. PAGE 139:08 TO 140:24 (RUNNING 00:02:13.559)

08 A. Well, to explain, it's like
 09 this: It is not the case that, say,
 10 because there was a price increase as to
 11 the domestic sale price, we too must raise
 12 our export price. No. That's not the
 13 case.
 14 When there are certain
 15 environmental changes within Korea, these
 16 things are occasioned by an increase as to
 17 the cost of, say, certain things like
 18 flour, palm oil, starch, and what have
 19 you.
 20 And you have to keep in mind
 21 that aside from Ramen products, we also
 22 handle snacks. So these things that tend
 23 to impact the business environment, these
 24 things, you know -- they could be talked
 25 about in newspapers and what have you.
 00140:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 But it is not the case that
 03 because some change was there on the
 04 domestic side of things, we follow in
 05 suit. No. That's not it. It's not
 06 like let's take a long and hard look and
 07 see when these guys raise their prices and
 08 so forth. We don't monitor things that
 09 way.
 10 So the fact is when prices are
 11 increased as to the palm oil, you know,
 12 flour, starch, and so forth, these things
 13 tend to impact our company in terms of
 14 snacks also.
 15 And so it is those types of
 16 things that impact the business
 17 environment within Korea that we tend to
 18 monitor. But we don't do things on
 19 account of there being a change on the
 20 domestic side of things.
 21 Q. Did the international sales
 22 division do any type of surveys or studies
 23 of the U.S. market before deciding on a
 24 price change for Ramen?

54. PAGE 141:03 TO 142:21 (RUNNING 00:02:05.278)

03 A. To answer you, there isn't
 04 anything like that, and -- that we've
 05 done.
 06 And at the cost of repeating
 07 myself, the things that we tend to pay
 08 more attention to are such factors as the
 09 foreign exchange rate at the time and
 10 things like any increase as to the cost of
 11 the raw materials, such as palm oil and

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:57:37 PM

Won Joon Lee

12 what have you, in other words, things that
 13 impact or affect the food business
 14 environment, because that results in the
 15 cost of the snacks rising at the same
 16 time.

17 And then you have to also take
 18 into consideration the export-related
 19 costs, such as the freight and the site
 20 labor costs and so forth, which are what
 21 we take into consideration in making a
 22 determination as to what shall be our
 23 profit. Then there is the issue of the
 24 cost of goods sold.

25 And as I previously mentioned --
 00142:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 and this is something that you can verify
 03 for yourselves, really -- the cost of
 04 goods sold are different between, say, the
 05 domestic-oriented product versus the
 06 export version of the product. I bid you,
 07 please go ahead and verify that. And they
 08 are different in terms of the
 09 specifications. They're even different
 10 when it comes to such nitty-gritty things
 11 as the quality of the box.

12 And the basic point here is that
 13 there are these differences as to the cost
 14 of goods sold, and these basic items are
 15 the things that we check and run
 16 simulations on in making any decision
 17 concerning any increase as to the price.

18 It is not the case, in other
 19 words, that because there takes place
 20 something somewhere else, on some other
 21 side, that causes us to do something.

55. PAGE 145:23 TO 146:02 (RUNNING 00:00:09.686)

23 Q. All right. And tell me how does
 24 this support work?

25 Can you explain that to us in a
 00146:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 little more detail?

56. PAGE 146:08 TO 146:15 (RUNNING 00:00:22.585)

08 A. So I would believe that the
 09 sense in which you seem to be employing
 10 the term "support" is probably not what
 11 we're talking about, what I'm talking
 12 about, for that is not what we do.

13 If you would understand my point
 14 to be about marketing and sales-related
 15 aspects, please.

57. PAGE 146:16 TO 147:02 (RUNNING 00:00:33.752)

16 So let's talk about Nongshim
 17 America, for instance, since we're talking
 18 about the United States. They are one of
 19 our customers. And as one of our
 20 customers, they go out into these local
 21 marketplaces, literally, in a market.
 22 They try to establish a new account. They
 23 enter into contract. They put on tasting
 24 occasions and so forth. They are
 25 effectively out there trying to do PR of

00147:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:57:37 PM

Won Joon Lee

02 our Nongshim products. And, basically,

58. PAGE 147:03 TO 147:06 (RUNNING 00:00:13.796)

03 they have their own perspective and
 04 position on things, as do we. And in view
 05 of the two, basically, we're talking about
 06 a negotiation, a business negotiation.

59. PAGE 147:07 TO 147:22 (RUNNING 00:00:40.853)

07 For instance, they might
 08 sometimes make a certain request or make a
 09 certain suggestion. And whereas,
 10 sometimes we may accept it; sometimes we
 11 might say, "No. No can do."
 12 And these things I'm talking
 13 about are such things as marketing-related
 14 costs and expenses. So if you would
 15 understand it in that vein, please, I
 16 would appreciate that.
 17 Q. Sure.
 18 So is there some sort of credit
 19 that is provided by Nongshim Korea, or is
 20 it a price discount on orders during a
 21 specific period of time, or how does the,
 22 you know -- this financial support work?

60. PAGE 148:03 TO 148:06 (RUNNING 00:00:10.443)

03 A. To my understanding, there is no
 04 financing support, for all I know; that,
 05 in fact, there can't be anything like
 06 that, as far as I would believe. On their

61. PAGE 148:06 TO 149:03 (RUNNING 00:01:04.009)

06 that, as far as I would believe. On their
 07 event, in terms of marketing- and
 08 sales-related matters, let's say they're
 09 putting on some sort of a tasting event.
 10 We can provide product on a discounted
 11 basis for such purposes, for instance.

12 In certain other instances, we
 13 might hold back on the implementation as
 14 to some price change. You know, it's not
 15 that I have any particular case in mind.
 16 But in general, those are the sorts of
 17 things that I can think of.

18 Q. Now, you have mentioned several
 19 times today some simulations that you
 20 run to -- "you" meaning the international
 21 sales division -- when considering a Ramen
 22 price change.

23 Can you walk us through what
 24 goes into this simulation, what are the
 25 things that you consider, and how does
 00149:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 that guide your determination as to what
 03 to do with respect to price.

62. PAGE 149:06 TO 149:09 (RUNNING 00:00:09.264)

06 A. Let me see if I can try to
 07 explain things. I don't know if this is
 08 actually going to be an answer to your
 09 question, but let me give it a shot.

Case Clip(s) Detailed Report
Friday, November 30, 2018, 4:57:37 PM

Won Joon Lee

63. PAGE 149:10 TO 149:17 (RUNNING 00:00:22.503)

10 So generally speaking, what
11 comprise our cost --
12 THE INTERPRETER: Strike.
13 A. -- price structure are things
14 such as the cost of goods sold, the
15 general administration expenses having to
16 do with sales, and our profits. Let me
17 address each of those one by one.

64. PAGE 149:18 TO 150:02 (RUNNING 00:00:26.526)

18 When it comes to the cost of
19 goods sold -- and here, we're speaking
20 about U.S.-oriented export products. So
21 there is a definite difference in terms of
22 cost of goods sold in that regard having
23 to do with the raw material costs for
24 these products in terms of the factory
25 price, the manufacturing costs, in other
00150:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 words, compared to the domestic product.

65. PAGE 150:03 TO 150:07 (RUNNING 00:00:16.718)

03 And so staying on with this
04 difference that exists as to the factory
05 price, namely, the raw material costs for
06 the export-oriented version, if I were to
07 delve into that further, there is indeed a

66. PAGE 150:07 TO 150:24 (RUNNING 00:00:53.697)

07 delve into that further, there is indeed a
08 difference as to the respective
09 specifications. There's a difference as
10 to the, say, ingredients or quality of
11 things, not just in terms of the box, but
12 also in terms of, say, the lid-related
13 material for the noodles in certain cups.
14 For instance, the
15 export-oriented one is not made of
16 aluminum foil because, as you know,
17 overseas, they tend to use a lot of
18 microwave ovens. And if you stick in
19 something that has an aluminum lid, then
20 that, you know, potentially can lead to a
21 fire. So I'm just entailing to you just a
22 few such items. But suffice to say that
23 there are these differences as to the
24 ingredients and specifications.

67. PAGE 150:25 TO 151:05 (RUNNING 00:00:14.932)

25 But while we're at it, talking
00151:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 about ingredients, when you look at the
03 U.S.-oriented products, speaking about the
04 meat that gets included, it's pretty tough
05 to obtain USDA approval; all right?

68. PAGE 151:06 TO 151:14 (RUNNING 00:00:24.477)

06 So concerning that -- and I
07 forget the precise timeframe when it
08 was -- this change was made. But whereas
09 in Korea, pork and beef are used together,
10 but here, for U.S. purposes -- and, again,

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:57:37 PM

Won Joon Lee

11 I don't recall the exact timeframe of
 12 this. But at some point in time, we made
 13 everything in terms of beef to be
 14 Australian beef.

69. PAGE 151:15 TO 151:18 (RUNNING 00:00:10.374)

15 And, again, without being able
 16 to recall the precise timeframe, at some
 17 point in time, we went with a complete
 18 no-meat rendition of things.

70. PAGE 151:19 TO 151:25 (RUNNING 00:00:14.696)

19 So my whole point about this is
 20 that when you look at the ingredients
 21 themselves, there is a market
 22 difference -- an obvious difference
 23 between the domestic version versus the
 24 export version which results in a
 25 different factory price.

71. PAGE 152:02 TO 152:03 (RUNNING 00:00:03.098)

02 Now let us look at the sales
 03 cost. And just to quickly recap, what

72. PAGE 152:03 TO 152:06 (RUNNING 00:00:08.391)

03 cost. And just to quickly recap, what
 04 I've talked about thus far would be in
 05 terms of the cost of goods sold for the
 06 export-type products; all right?

73. PAGE 152:07 TO 152:09 (RUNNING 00:00:05.515)

07 Now, likewise, we're still on
 08 the export side of things but speaking in
 09 terms of sales costs. The reason why I'm

74. PAGE 152:09 TO 152:15 (RUNNING 00:00:17.145)

09 terms of sales costs. The reason why I'm
 10 prefacing my answer this way is because
 11 the calculation of profits and expenses
 12 and so forth -- that is something that
 13 takes place completely separate and apart
 14 from anything having to do with domestic
 15 sales.

75. PAGE 152:16 TO 153:06 (RUNNING 00:00:43.195)

16 And so the point I'm trying to
 17 make about our sales costs is the fact
 18 that we have these export costs and also
 19 sales costs which comprise of the general
 20 administrative costs.

21 In other words, in this category
 22 of sales costs, as I mentioned earlier --
 23 first of all, in terms of the export
 24 costs, we have the actual costs --
 25 shipping costs, such as the freight

00153:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 charges, the container work type of
 03 charges, fees, and sticker costs, other,
 04 say, ancillary shipping document fees,
 05 THC, and so forth as associated with
 06 export efforts.

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:57:37 PM

Won Joon Lee

76. PAGE 153:07 TO 153:15 (RUNNING 00:00:18.863)

07 And add to that yet another
 08 aspect. Basically, when marketing --
 09 THE INTERPRETER: Strike.
 10 A. When exporting certain things,
 11 there are certain associated marketing
 12 costs, namely, advertising or promotional
 13 types of material that come to be
 14 constructed as part of those efforts, and
 15 those are all costs.

77. PAGE 153:16 TO 153:18 (RUNNING 00:00:06.252)

16 Now, these things generally
 17 comprise -- constitute our price
 18 structure. It is not the case that --

78. PAGE 153:18 TO 153:22 (RUNNING 00:00:15.451)

18 structure. It is not the case that --
 19 this is what's important by the way -- we
 20 base our work on those things by looking
 21 at it, say, on a daily basis, raising and
 22 lowering the price or something. The

79. PAGE 153:22 TO 153:25 (RUNNING 00:00:07.657)

22 lowering the price or something. The
 23 point here is that on top of this, we need
 24 to look at the external factors in terms
 25 of the environment.

80. PAGE 154:02 TO 154:07 (RUNNING 00:00:15.587)

02 So what do I mean by that?
 03 Those factors that tend to impact the cost
 04 of goods sold concerning our products, the
 05 biggest factors are those things that
 06 affect the price as to flour, palm oil,
 07 starch.

81. PAGE 154:08 TO 154:21 (RUNNING 00:00:44.420)

08 Another thing about that is if,
 09 by way of reports in the press and what
 10 have you, we come -- become aware of the
 11 fact that there are going to be, say,
 12 price increases as to such items, and/or
 13 if we somehow become aware of the fact
 14 that the same types of food-related raw
 15 materials are going to be increased, say,
 16 on the domestic side, that, obviously, is
 17 going to impact the cost of snacks --
 18 Ramen too, of course, one assumes, but we
 19 would have the understanding that those --
 20 that will impact the price as to those
 21 items. And, as such, there are these

82. PAGE 154:21 TO 155:05 (RUNNING 00:00:21.891)

21 items. And, as such, there are these
 22 external environmental factors, if you
 23 will, which does play a role as one of the
 24 factors having to do with whether we
 25 increase or reduce the price of things.
 00155:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 But in addition to that, I've
 03 also talked about how the issue of foreign
 04 exchange is an important factor in

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:57:37 PM

Won Joon Lee

05 export-related activities.

83. PAGE 155:06 TO 156:11 (RUNNING 00:01:32.804)

06 And so this, speaking again with
 07 respect to aspects of the Korean
 08 environment, let's say, even in view of an
 09 increase as to the cost of Ramen, snacks,
 10 and so forth, on account of the rise in
 11 price as to cost as to flour, palm oil,
 12 and so forth, if things are such that
 13 there's a favorable foreign exchange rate
 14 at the moment -- in fact, as I recall, in
 15 the early 2000 -- early aughts, things
 16 were pretty good, if memory serves. We
 17 were looking at something like 1,120
 18 Korean Won to a dollar, maybe 1,200 to a
 19 dollar. I forget.

20 But anyway, if things are like
 21 that, then even in view of a rising cost
 22 as to flour, you might be able to hold
 23 your price. Depending on the occasion, of
 24 course, you might actually be able to
 25 afford to reduce your price.

00156:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY

02 But the point here about the
 03 simulation is that you plug in those
 04 variables, and you look at things. And if
 05 it comes out to be a plus or a minus, then
 06 that's going to tell you what to do. You
 07 might want to stay where you are. So, as
 08 such, we monitor the FOREX movement rather
 09 closely and use it to help make a
 10 determination as to whether to hold, stay
 11 the course, or what.

84. PAGE 156:12 TO 156:25 (RUNNING 00:00:43.440)

12 So the conclusion I'm trying to
 13 arrive at is this: These are the factors
 14 that come into play that affect our work
 15 on the export side of things. And
 16 although I have not actually looked into
 17 what the relationship may or may not be in
 18 terms of the timing of any fluctuation in
 19 price on the domestic side versus that on
 20 the export side, my belief is that they
 21 are absolutely different. They're not the
 22 same.

23 Q. Okay. A few minutes ago, you
 24 used a term "THC," I believe.
 25 Do you remember that?

85. PAGE 157:02 TO 157:04 (RUNNING 00:00:03.646)

02 A. Yes.

03 Q. Just give us the definition of
 04 "THC," please.

86. PAGE 157:05 TO 157:17 (RUNNING 00:00:34.824)

05 A. So "THC" basically stands for
 06 "terminal handling charge." And put more
 07 simply, let's say there is the ship, the
 08 vessel on which the containers are laid
 09 in, and there's a crane that's going to
 10 come and lift up those containers. We're
 11 talking about those charges. That's
 12 called "terminal handling charge."

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:57:37 PM

Won Joon Lee

13 Q. Okay. All right. And the
 14 product of all of this analysis -- is that
 15 written down in any type of a document by
 16 the employees in the international sales
 17 division?

87. PAGE 157:22 TO 157:24 (RUNNING 00:00:07.500)

22 A. What I'm thinking is that if
 23 there is anything, it would be found in
 24 the basement-located document archives.

88. PAGE 157:25 TO 158:12 (RUNNING 00:00:34.116)

25 But this kind of calculation
 00158:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 material, the -- this is not just some
 03 sort of a simple thing that you do. So
 04 there probably is quite a bit of stuff
 05 that goes into that. But I still am not
 06 able to say whether there is or isn't
 07 anything to that effect.
 08 Q. Okay. All right. And the COGS
 09 information that you use -- is that
 10 information that is developed by the
 11 international sales division, or does the
 12 factory provide that information to you?

89. PAGE 158:16 TO 159:04 (RUNNING 00:00:39.358)

16 A. So concerning the factory price
 17 and what have you, I don't exactly know
 18 how that is put together or what. But my
 19 basic understanding is that once we have
 20 that available, then we do some tallying
 21 or calculations based upon that. But,
 22 again, I don't know the exact source from
 23 whence such comes.
 24 Q. So when you used the term "cost
 25 of goods sold" or "COGS" just a few
 00159:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 minutes ago, is that -- is that the same
 03 thing in your mind as a factory price, or
 04 are those two terms different?

90. PAGE 159:05 TO 160:04 (RUNNING 00:01:15.862)

05 A. When it comes to that, I myself
 06 am not entirely clear. But, to me,
 07 firstly, factory price, I think, is in
 08 reference to the price at which product is
 09 released from the factory, which I think
 10 might include the cost of goods sold.
 11 But, again, I myself am not entirely keen
 12 on those matters.
 13 But what I'm thinking is we're
 14 basically talking about the price of
 15 product as it comes out from the factory.
 16 For instance, I think in the
 17 U.S. export context, I think we are
 18 talking about the cost of goods sold. But
 19 I wouldn't know exactly for certain.
 20 Q. Well, I'm trying to understand
 21 what goes into the simulation that you
 22 described a while ago. And now I'm not
 23 even sure that I know.
 24 So what information are you
 25 getting from the factory that you put into
 00160:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY

Case Clip(s) Detailed Report
 Friday, November 30, 2018, 4:57:37 PM

Won Joon Lee

02 a simulation to try and determine what
 03 price to sell Ramen to Nongshim America
 04 at?

91. PAGE 160:09 TO 161:05 (RUNNING 00:01:09.938)

09 A. So in terms of arriving at these
 10 prices, I myself am not entirely clear as
 11 to my recollection about, say, the factory
 12 price versus the cost of goods sold in
 13 terms of what we plug in.
 14 In terms of the factory --
 15 THE INTERPRETER: Strike.
 16 A. -- costs of goods sold, I
 17 believe that includes our costs. But,
 18 see, I'm kind of confused about this in
 19 two respects.
 20 As I mentioned earlier, when we
 21 do this kind of, say, work, we've run such
 22 simulations based upon both cost of goods
 23 sold as well as factory price.
 24 And so -- so that you know,
 25 they're not of the same format. But as to
 00161:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 exactly which I have in mind, that's
 03 what's a little confusing to me. It goes
 04 without saying that this is subject to
 05 further verification.

92. PAGE 161:06 TO 161:07 (RUNNING 00:00:03.991)

06 Perhaps, though, I need to kind
 07 of correct a few things here myself.

93. PAGE 161:08 TO 161:24 (RUNNING 00:00:47.324)

08 Going back to the factory price concerning
 09 the export-oriented products, so included
 10 in such factory price are things like the
 11 cost of goods sold, our sales-related
 12 general admin expenses, when you look at
 13 it.
 14 And, of course, you take into
 15 consideration the prevailing foreign
 16 exchange rate, take into consideration
 17 what shall be our profit level, and
 18 keeping in mind, of course, that the
 19 specifications are different for the
 20 export products. That is how you arrive
 21 at the overall price. And it is a foreign
 22 exchange-based simulation that I told you
 23 that we run. And this is all on the side
 24 of export products.

94. PAGE 161:25 TO 162:03 (RUNNING 00:00:12.180)

25 When it comes to COGS, that most
 00162:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 definitely is comprised of such things as
 03 labor costs, material costs, and expenses.

95. PAGE 162:04 TO 162:16 (RUNNING 00:00:30.183)

04 So on or in hindsight, it seems
 05 to me that because there is really no set
 06 format to these sorts of things, I ended
 07 up confusing myself, and I apologize for
 08 that.
 09 Now, going back to your

Case Clip(s) Detailed Report
Friday, November 30, 2018, 4:57:37 PM

Won Joon Lee

10 question, what was your last question,
11 please?
12 THE INTERPRETER: Quick
13 interjection by the interpreter.
14 "I ended up confusing myself as
15 to the terminology, so I apologize for
16 that."

96. PAGE 163:19 TO 163:24 (RUNNING 00:00:18.372)

19 Q. Okay. All right. And when
20 Nongshim -- when the international sales
21 division engages in a transaction with
22 Nongshim America, is that transaction in
23 U.S. dollars or in Won or in some other
24 currency?

97. PAGE 164:05 TO 164:05 (RUNNING 00:00:01.762)

05 A. It's in U.S. dollars.

Lee, Won J. (Vol. 01) - 03/24/2016

1 CLIP (RUNNING 00:01:13.142)

All right. Do you -- are you ...

WL-0324-FINAL

3 SEGMENTS (RUNNING 00:01:13.142)



1. PAGE 78:13 TO 78:16 (RUNNING 00:00:11.915)

13 Sir, do you know if Nongshim
14 America has a desired profit margin that
15 it hopes to achieve on account of its
16 business?

2. PAGE 78:21 TO 79:06 (RUNNING 00:00:35.070)

21 A. I think we actually talked about
22 that yesterday. Basically, Nongshim
23 America and Nongshim Korea are separate
24 and apart from each other, and nor are we
25 in any position to get to know about
00079:01 LEE - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 anything like what you're talking about.
03 Q. All right. And do you have any
04 information about how the Nongshim factory
05 in Rancho Cucamonga conducts business with
06 Nongshim America?

3. PAGE 79:12 TO 79:21 (RUNNING 00:00:26.157)

12 A. Well, the thing is I've never
13 even been to said factory of theirs,
14 although I've been -- I was, at one time
15 or another, conducting sales from 2005
16 through 2007. It's not like I've ever
17 visited said factory, and the goings on
18 there in terms of their business is
19 literally just that -- their business.
20 They are separate and apart from Nongshim,
21 as far as I'm concerned.

COURT EXHIBIT 37b

KoreanNoodles

Lee, Won Joon (Vol. 01) - 03/23/2016

1 CLIP (RUNNING 00:03:02.177)

LEEWOONJOON0323-CROSS

9 SEGMENTS (RUNNING 00:03:02.177)



1. PAGE 11:09 TO 11:13 (RUNNING 00:00:12.435)

09 During what portions of your
10 time working for Nongshim here in Korea
11 has your work focused on exporting to the
12 United States as opposed to some other
13 country in the world?

2. PAGE 11:14 TO 11:19 (RUNNING 00:00:17.315)

14 A. So the timeframe when I began
15 working on anything U.S.-oriented was
16 beginning in 2005 through, I would
17 believe, May, June-ish of 2007. I was
18 basically tasked with sales in that regard
19 at that time.

3. PAGE 79:17 TO 79:21 (RUNNING 00:00:20.780)

17 Were you yourself, in that
18 period of time from 2005 through 2007,
19 responsible for determining the price at
20 which Ramen would be sold to Nongshim
21 America?

4. PAGE 79:24 TO 79:24 (RUNNING 00:00:01.487)

24 A. No.

5. PAGE 105:13 TO 105:15 (RUNNING 00:00:11.247)

13 Q. Did you ever share margin
14 information with anyone outside of
15 Nongshim Korea?

6. PAGE 105:19 TO 105:23 (RUNNING 00:00:12.399)

19 A. Not at all.
20 Q. And would margin information be
21 the type of information that would be
22 confidential information of Nongshim
23 Korea?

7. PAGE 106:06 TO 106:25 (RUNNING 00:00:45.996)

06 A. So, again, speaking for myself
07 personally -- and, again, I believe I'm
08 repeating my answer. But these things
09 about company revenue, profit, and so
10 forth, you know, it's not the sort of
11 thing that I go out and talk about on a
12 personal basis or in -- on any other
13 basis. Certainly, I wouldn't do that with
14 anybody that I don't know. And it's -- so
15 the answer is I've never done anything
16 like that.
17 And just from a common-sense
18 perspective, that's just not the sort of
19 thing that one does; right? I mean,
20 it's -- I think it just goes without

KoreanNoodles

21 saying that regardless of whether there is
22 anything within the company that, you
23 know, says something about that or not,
24 it's just not the sort of thing that one
25 does.

8. PAGE 124:23 TO 125:03 (RUNNING 00:00:19.725)

23 Q. All right. When there is a
24 determination made by the international
25 sales division that a price adjustment
00125:01
02 needs to occur, how is that communicated
03 to Nongshim America?

9. PAGE 125:06 TO 125:16 (RUNNING 00:00:40.793)

06 A. Going back to the
07 2001-through-2003 timeframe, back then,
08 there were these respective customers,
09 among whom was included Nongshim America.
10 And at that time, it was via fax to the
11 respective parties that we would inform
12 them as to any changes in pricing.
13 Starting in 2004, it was
14 strictly Nongshim America. And, again, we
15 would inform them about such things as
16 pricing in the form of faxes.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:03:02.177)

COURT EXHIBIT 38a

Case Clip(s) Detailed Report

Kwon, Won Seok

Monday, December 03, 2018, 3:04:34 PM

Case Clip(s) Detailed Report
Monday, December 03, 2018, 3:04:34 PM

Kwon, Won Seok

Kwon, Won S. (Vol. 01) - 04/28/2016

1 CLIP (RUNNING 00:05:51.808)

WON SEOK KWON, ...

WK-0428-FINAL

27 SEGMENTS (RUNNING 00:05:51.808)



1. PAGE 5:13 TO 5:17 (RUNNING 00:00:13.270)

13 W O N S E O K K W O N,
14 having first been duly sworn
15 by Sharon Lengel, the Notary
16 Public, was examined and
17 testified as follows:

2. PAGE 7:17 TO 7:18 (RUNNING 00:00:02.008)

17 How long have you worked at
18 Nongshim?

3. PAGE 7:19 TO 7:19 (RUNNING 00:00:02.464)

19 A. This is my 27th year.

4. PAGE 15:12 TO 15:13 (RUNNING 00:00:05.570)

12 Q. Did your job duties change again
13 at some point after 2004?

5. PAGE 15:14 TO 15:17 (RUNNING 00:00:09.698)

14 A. So starting in 2005, the region
15 that I was handling changed.
16 Q. Which region did you start
17 handling in 2005?

6. PAGE 15:18 TO 15:20 (RUNNING 00:00:11.807)

18 A. The entire American continent.
19 Q. Can you list the specific
20 countries that were included.

7. PAGE 15:21 TO 15:25 (RUNNING 00:01:01.251)

21 A. The United States, Central and
22 South America, for instance, Brazil,
23 Guatemala, Paraguay, Chile, Peru, the
24 Dominican Republic, Bolivia, Argentina --
25 oh, Mexico.

8. PAGE 17:18 TO 17:20 (RUNNING 00:00:06.099)

18 Q. And what region were you
19 responsible for in 2009 when you became a
20 senior manager?

9. PAGE 17:21 TO 17:25 (RUNNING 00:00:14.551)

21 A. Around that time, I think my
22 areas included the Americas as well as
23 India.
24 Q. So your responsibilities
25 expanded.

10. PAGE 18:02 TO 18:02 (RUNNING 00:00:01.261)

02 A. That is right.

Case Clip(s) Detailed Report
Monday, December 03, 2018, 3:04:34 PM

Kwon, Won Seok

11. PAGE 34:23 TO 35:04 (RUNNING 00:00:15.977)

23 Q. Does the Overseas Sale
24 Division -- strike that.
25 During the period 2005 through
00035:01 KWON - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 2010, did the Overseas Sales Division
03 periodically interact with other divisions
04 at Nongshim Korea?

12. PAGE 35:07 TO 35:09 (RUNNING 00:00:06.740)

07 A. No.
08 Q. Specifically, did you ever
09 interact with a Sales Planning Division?

13. PAGE 35:12 TO 35:16 (RUNNING 00:00:14.726)

12 A. No.
13 Q. Have you ever heard of a
14 department or a unit or a team in Nongshim
15 Korea called the distribution
16 investigation team?

14. PAGE 35:17 TO 35:19 (RUNNING 00:00:11.688)

17 A. I don't exactly know.
18 Q. So you have not heard of that
19 team.

15. PAGE 35:22 TO 35:22 (RUNNING 00:00:01.489)

22 A. No.

16. PAGE 52:07 TO 52:16 (RUNNING 00:00:29.906)

07 Q. I need to ask the question
08 again. But I'll try to ask it differently
09 to help you.
10 What I'm trying to understand is
11 your understanding of who your competitors
12 were in your endeavors to increase the
13 sales of Nongshim Korean Ramen in the
14 United States.
15 Who were the competitors in
16 that -- in the area of Korean Ramen?

17. PAGE 52:19 TO 52:24 (RUNNING 00:00:20.255)

19 A. Well, I would say that there can
20 be a number of different competitors out
21 there in respect of our selling product
22 within the United States and on a
23 worldwide basis, such as Maruchan,
24 Nissin, Indomie or Indofood, Nestli.

18. PAGE 53:13 TO 53:15 (RUNNING 00:00:06.348)

13 And I'm asking who your
14 competitors in the United States are with
15 respect to Korean Ramen.

19. PAGE 53:17 TO 53:21 (RUNNING 00:00:14.101)

17 A. Maruchan, Nissin, Indofood,
18 Nestli.
19 Q. Interesting that you have not
20 mentioned a single Korean company.
21 Why is that?

Case Clip(s) Detailed Report
Monday, December 03, 2018, 3:04:34 PM

Kwon, Won Seok

20. PAGE 53:24 TO 54:03 (RUNNING 00:00:10.521)

24 A. Because that's not necessary.
25 When it comes to Korean Ramen, you know,
00054:01 KWON - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 the other companies do not constitute
03 competition as for us.

21. PAGE 59:05 TO 59:11 (RUNNING 00:00:38.268)

05 Q. I'm trying to get more
06 information about the basis for your
07 contention or statement -- strike that --
08 statement that Maruchan and Nisshin --
09 Nisshin and Maruchan are the competitors
10 with -- against Nongshim in the American
11 market for Korean Ramen.

22. PAGE 59:14 TO 59:19 (RUNNING 00:00:17.430)

14 A. When it comes to Maruchan and
15 Nisshin, it is my understanding that they
16 landed in the United States first before
17 Nongshim ever did. And, as such, they
18 made forays into the marketplace before
19 Nongshim, to my understanding.

23. PAGE 72:24 TO 73:05 (RUNNING 00:00:23.037)

24 Q. Excluding differences in
25 transportation cost and currency issues,
00073:01 KWON - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 is the export price the same or was the
03 export price the same in all regions, from
04 the period of 2005 to 2010, for Nongshim
05 Korea products that were exported?

24. PAGE 73:09 TO 73:09 (RUNNING 00:00:01.673)

09 A. They're not the same.

25. PAGE 75:12 TO 75:14 (RUNNING 00:00:06.185)

12 Q. Have you ever interacted with
13 any employees of Ottogi, Samyang, or
14 Paldo?

26. PAGE 75:15 TO 75:17 (RUNNING 00:00:04.791)

15 A. No.
16 Q. Do you know any employee of any
17 of those companies?

27. PAGE 75:18 TO 75:18 (RUNNING 00:00:00.694)

18 A. No.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:05:51.808)

COURT EXHIBIT 38b

KoreanNoodles

Kwon, Won Seok (Vol. 01) - 04/28/2016

1 CLIP (RUNNING 00:05:44.125)

KWONWONSEOK0428-CROSS 27 SEGMENTS (RUNNING 00:05:44.125)



1. PAGE 21:08 TO 21:10 (RUNNING 00:00:13.302)

08 Q. During the time 2005 through
09 2010, who were the United States customers
10 of Nongshim Korea?

2. PAGE 21:11 TO 21:11 (RUNNING 00:00:04.217)

11 A. It would be Nongshim America.

3. PAGE 21:12 TO 21:15 (RUNNING 00:00:10.633)

12 Q. And when I say "Nongshim Korea,"
13 I am referring to the parent company
14 that's based here in Korea and which I
15 understand is your employer.

4. PAGE 21:16 TO 21:17 (RUNNING 00:00:03.148)

16 Can you confirm you are employed
17 by Nongshim Korea?

5. PAGE 21:18 TO 21:19 (RUNNING 00:00:04.068)

18 A. I work at Nongshim's
19 headquarters.

6. PAGE 21:20 TO 21:23 (RUNNING 00:00:09.316)

20 Q. And I will be referring to the
21 headquarters -- the entity that runs this
22 headquarters as being Nongshim Korea, for
23 purposes of this deposition. All right?

7. PAGE 21:24 TO 21:24 (RUNNING 00:00:01.493)

24 A. That's fine.

8. PAGE 31:20 TO 31:23 (RUNNING 00:00:21.719)

20 During the period of 2005
21 through 2010, do you recall being involved
22 in pricing with respect to Nongshim
23 Korea's sales to the United States?

9. PAGE 32:02 TO 32:02 (RUNNING 00:00:01.456)

02 A. No.

10. PAGE 51:06 TO 51:10 (RUNNING 00:00:15.806)

06 Q. Would you agree that the R&D
07 center was tasked with formulating a Shin
08 Ramen that tasted the same as the Korean
09 Ramen, even if there were different
10 regulations regarding ingredients?

11. PAGE 51:13 TO 51:14 (RUNNING 00:00:11.212)

13 A. Well, in my mind, that is what I
14 believe researchers are supposed to do.

KoreanNoodles

12. PAGE 57:10 TO 57:13 (RUNNING 00:00:13.531)

10 Q. Are you aware that Nongshim
11 America markets -- its Ramen products in
12 the United States is premium products
13 precisely because they are Korean Ramen?

13. PAGE 57:17 TO 57:18 (RUNNING 00:00:08.355)

17 A. Nongshim America's thoughts have
18 nothing to do with me.

14. PAGE 57:19 TO 57:22 (RUNNING 00:00:12.724)

19 Q. Well, in understanding the U.S.
20 market, you obviously have to have some
21 understanding of that marketplace and how
22 products are marketed, don't you?

15. PAGE 58:02 TO 58:08 (RUNNING 00:00:26.741)

02 A. When Nongshim America would
03 place orders with us, we would receive
04 such orders, cause production to take
05 place, and ensure that the goods are
06 shipped on the very day they are promised
07 to be shipped. And that constitutes our
08 best effort in the conduct of things.

16. PAGE 58:09 TO 58:11 (RUNNING 00:00:09.225)

09 Q. Do you know what percentage of
10 Nongshim America customers for Ramen are
11 Korean or Korean-American?

17. PAGE 58:15 TO 58:15 (RUNNING 00:00:02.361)

15 A. I don't quite know.

18. PAGE 58:16 TO 58:21 (RUNNING 00:00:18.036)

16 Q. Do you believe that
17 Korean-American and Korean customers in
18 the United States consider Ramen products
19 from Nisshin and Maruchan to be
20 substitutes for Korean-manufactured or
21 Korean Ramen?

19. PAGE 58:24 TO 59:04 (RUNNING 00:00:18.894)

24 A. Sir, as I pointed out
25 previously, your questions are rather
00059:01
02 difficult for me for my purposes. I
03 wonder if you could perhaps be a lot more
04 specific. I would really appreciate that.

20. PAGE 59:20 TO 59:23 (RUNNING 00:00:12.038)

20 Q. Do you know if Korean-American
21 or Korean purchasers of Ramen in the
22 United States differentiate between Korean
23 Ramen and other Ramen?

21. PAGE 60:02 TO 60:03 (RUNNING 00:00:05.251)

02 A. I'm not sure if I quite
03 understand that question.

22. PAGE 62:07 TO 62:08 (RUNNING 00:00:03.729)

07 Q. Do you know anything about

KoreanNoodles

08 consumer behavior in the United States?

23. PAGE 62:12 TO 62:19 (RUNNING 00:00:51.925)

12 A. My understanding is that there
13 are a lot of Hispanic -- there is a great
14 Hispanic population in the United States.
15 And we also target the Hispanic population
16 in selling product. We are, in other
17 words, trying to make forays into the
18 Hispanic marketplace by use of our unique
19 hotness, the hot flavor, as our arsenal.

24. PAGE 62:20 TO 62:23 (RUNNING 00:00:09.360)

20 Q. And that hot flavor is a
21 consistent characteristic of certain of
22 your Ramen products sold all around the
23 world; right?

25. PAGE 63:03 TO 63:05 (RUNNING 00:00:09.643)

03 A. When you look at our products,
04 there are various flavors. It's not just
05 the hot flavors.

26. PAGE 63:06 TO 63:10 (RUNNING 00:00:12.114)

06 Q. You referred to your unique
07 hotness. Those are your words.
08 And that is, in fact, a
09 characteristic of certain of the Nongshim
10 Ramen products; correct?

27. PAGE 63:14 TO 63:18 (RUNNING 00:00:33.828)

14 A. We make efforts to introduce and
15 make known our products overseas to
16 various folks and to introduce them to our
17 taste, the taste of our products, taste of
18 our products.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:05:44.125)

COURT EXHIBIT 39a

Case Clip(s) Detailed Report

Coby Han

Monday, December 03, 2018, 3:05:43 PM

Case Clip(s) Detailed Report
Monday, December 03, 2018, 3:05:43 PM

Coby Han

Han, Coby (Vol. 01) - 01/20/2016

1 CLIP (RUNNING 00:09:17.604)

JACKI NOH, ...

CH-0120-0000705

61 SEGMENTS (RUNNING 00:09:17.604)



1. PAGE 7:05 TO 7:10 (RUNNING 00:00:04.851)

05 J A C K I N O H,
06 having first been duly sworn by
07 Sharon Lengel, the Notary Public,
08 interpreted from English to
09 Korean and from Korean to English
10 as follows:

2. PAGE 7:11 TO 7:15 (RUNNING 00:00:00.909)

11 C O B Y H A N,
12 having first been duly sworn by
13 Sharon Lengel, the Notary Public,
14 was examined and testified as
15 follows:

3. PAGE 7:20 TO 8:02 (RUNNING 00:00:18.479)

20 MS. MANN: Mr. Han is appearing
21 today as part of Samyang's cooperation
22 agreement with the plaintiffs'
23 obligation, and Mr. Han has also been
24 designated in response to Nongshim and
25 Ottogi's 30(b)(6) notice on Topics 1
00008:01 HAN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 through 4 and 12 and 13. And we

4. PAGE 8:21 TO 8:21 (RUNNING 00:00:01.349)

21 Q. Who is your current employer?

5. PAGE 8:22 TO 8:23 (RUNNING 00:00:04.077)

22 A. Currently, I'm working for
23 Samyang Foods Company Limited.

6. PAGE 8:24 TO 8:25 (RUNNING 00:00:03.820)

24 Q. And how long have you been with
25 Samyang Foods Company Limited?

7. PAGE 9:02 TO 9:02 (RUNNING 00:00:01.959)

02 A. Approximately 12 years.

8. PAGE 9:12 TO 9:13 (RUNNING 00:00:01.926)

12 Q. What is your current position?
13 A. I'm a section chief of overseas

9. PAGE 9:14 TO 9:14 (RUNNING 00:00:05.629)

14 sales team.

10. PAGE 10:15 TO 10:16 (RUNNING 00:00:05.129)

15 Q. So you have been with overseas
16 sales since you started?

Case Clip(s) Detailed Report
Monday, December 03, 2018, 3:05:43 PM

Coby Han

11. PAGE 10:17 TO 10:20 (RUNNING 00:00:12.863)

17 A. That is correct. I was with
18 overseas sales team except perhaps seven
19 or eight months in 2010 when I was
20 handling import-related tasks.

12. PAGE 14:21 TO 14:21 (RUNNING 00:00:02.516)

21 Q. What is Sam Yang (USA), to your

13. PAGE 14:22 TO 15:02 (RUNNING 00:00:16.103)

22 knowledge?
23 A. Sam Yang (USA) is a company that
24 has exclusive rights to sell in the U.S.
25 market under -- for Samyang Company
00015:01 HAN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 Limited products.

14. PAGE 20:02 TO 20:04 (RUNNING 00:00:00.065)

02 (Exhibit 43, Bates SYK002354
03 through 2357, was hereby marked for
04 identification, as of this date.)

15. PAGE 20:05 TO 20:05 (RUNNING 00:00:00.044)

05 Q. I have a document that I've

16. PAGE 20:06 TO 20:08 (RUNNING 00:00:09.002)

06 handed to the court reporter and to the
07 witness and to the attorneys around the
08 room. And it's stamped on the bottom

17. PAGE 20:09 TO 20:09 (RUNNING 00:00:10.899)

09 right-hand side SKY002354 to 2357.

18. PAGE 20:15 TO 20:15 (RUNNING 00:00:00.177)

15 Q. At the top of the document, it's

19. PAGE 20:16 TO 20:16 (RUNNING 00:00:06.155)

16 titled "Distribution and Sales Agreement."

20. PAGE 20:17 TO 20:18 (RUNNING 00:00:01.994)

17 Have you ever seen this document
18 before?

21. PAGE 20:19 TO 20:19 (RUNNING 00:00:00.793)

19 A. Yes, I have.

22. PAGE 20:20 TO 20:21 (RUNNING 00:00:04.980)

20 Q. Okay. The first paragraph of
21 this document I would like to read to you.

23. PAGE 20:22 TO 21:08 (RUNNING 00:00:44.573)

22 "This agreement is made and
23 entered into as of November 29, 1997, by
24 and between Samyang Foods Company Limited,
25 a Korean corporation, which has its
00021:01 HAN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 principal place of business at 82-9
03 Hawolgok 1-dong, Sungbuk-ku, Seoul,
04 Korea." And then it says "('Samyang
05 Korea')." And "Sam Yang (USA), Inc., a
06 California corporation, which has its

Case Clip(s) Detailed Report
Monday, December 03, 2018, 3:05:43 PM

Coby Han

07 principal place of business at 1935 Via
08 Arado, Rancho Dominguez, California 90220

24. PAGE 21:09 TO 21:13 (RUNNING 00:00:14.819)

09 ('Sam Yang U.S.A.')."
10 Is this the written agreement
11 which forms the basis of the exclusive
12 agreement that you testified to earlier
13 that Samyang Limited has with Sam Yang

25. PAGE 21:15 TO 21:16 (RUNNING 00:00:05.427)

15 A. Yes. That is correct.
16 Q. If you could turn to the last

26. PAGE 21:17 TO 21:17 (RUNNING 00:00:04.145)

17 page, which is marked ending in 2357,

27. PAGE 21:18 TO 21:18 (RUNNING 00:00:06.346)

18 there are two names that have signed this

28. PAGE 21:19 TO 21:23 (RUNNING 00:00:11.635)

19 document. For Samyang Korea, it says
20 "SAMYANG Foods Company Limited, a Korean
21 corporation."
22 And whose signature is that, if
23 you know?

29. PAGE 21:24 TO 22:06 (RUNNING 00:00:23.938)

24 A. Well, I don't know for sure.
25 But this looks like the signature belongs
00022:01 HAN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 to late Mr. Joong Yun Chun, the former
03 chairman. I mean, looking at the English
04 spelling, it seems to me that this belongs
05 to him, though I did not see his signature
06 personally.

30. PAGE 28:10 TO 28:12 (RUNNING 00:00:05.904)

10 Q. Who determined what the price of
11 the Samyang Limited product was to Sam
12 Yang (USA)?

31. PAGE 28:13 TO 28:18 (RUNNING 00:00:14.413)

13 A. According to this agreement, the
14 price would be determined based on the
15 discussions of two parties.
16 Q. When you mean -- you mean the
17 discussions between Sam Yang (USA) and
18 Samyang Limited.

32. PAGE 28:19 TO 28:21 (RUNNING 00:00:04.188)

19 A. Yes.
20 Q. What went into -- what were the
21 bases of those discussions?

33. PAGE 28:24 TO 29:07 (RUNNING 00:00:26.103)

24 A. Well, in our case, we were
25 trying to get a good price from Sam Yang
00029:01 HAN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 (USA) and tried to have a price increase
03 period sooner than later, whereas Sam Yang
04 (USA) wanted to have a good price from us

Case Clip(s) Detailed Report
Monday, December 03, 2018, 3:05:43 PM

Coby Han

05 and tried to delay price increase period
06 as much as possible. And those were the
07 things that we discussed.

34. PAGE 37:14 TO 37:17 (RUNNING 00:00:16.916)

14 Q. You are familiar with Samyang
15 Limited's dealings with Sam Yang (USA)
16 going back as far as the year 2000, aren't
17 you?

35. PAGE 37:18 TO 37:18 (RUNNING 00:00:01.837)

18 A. Yes, I am.

36. PAGE 39:21 TO 39:24 (RUNNING 00:00:12.580)

21 Q. Now, the price that Samyang
22 Limited charged Sam Yang (USA) for U.S.
23 Ramen product was negotiated between the
24 two companies; right?

37. PAGE 40:03 TO 40:04 (RUNNING 00:00:04.450)

03 A. Correct. The price was
04 determined based on negotiation.

38. PAGE 46:18 TO 46:23 (RUNNING 00:00:23.562)

18 Isn't it true that Samyang
19 Limited has no knowledge about any effort
20 Sam Yang (USA) might have done to monitor
21 the price of U.S. Ramen products sold by
22 Nongshim America or Ottogi America in the
23 United States?

39. PAGE 46:25 TO 47:02 (RUNNING 00:00:06.442)

25 A. Correct. I have not heard that
00047:01 HAN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 there was any type of monitoring.

40. PAGE 47:06 TO 47:08 (RUNNING 00:00:09.673)

06 Q. You have never discussed with
07 anyone from Nongshim America, Inc., the
08 prices of U.S. Ramen product, have you?

41. PAGE 47:09 TO 47:12 (RUNNING 00:00:10.484)

09 A. Correct. Never.
10 Q. And you have never discussed
11 with Nongshim Company Limited the prices
12 of U.S. Ramen product, have you?

42. PAGE 47:13 TO 47:16 (RUNNING 00:00:06.910)

13 A. Correct. Never.
14 Q. And you have never discussed
15 with Ottogi America, Inc., the prices of
16 U.S. Ramen product, have you?

43. PAGE 47:17 TO 47:20 (RUNNING 00:00:07.373)

17 A. Correct. Never.
18 Q. And you have never discussed
19 with Ottogi Company Limited the prices of
20 U.S. Ramen product, have you?

44. PAGE 47:21 TO 47:21 (RUNNING 00:00:01.604)

21 A. Correct. Never.

Case Clip(s) Detailed Report
Monday, December 03, 2018, 3:05:43 PM

Coby Han

45. PAGE 47:22 TO 47:24 (RUNNING 00:00:07.189)

22 Q. And you have never discussed
23 with Korea Yakult the prices of U.S. Ramen
24 product, have you?

46. PAGE 47:25 TO 47:25 (RUNNING 00:00:02.208)

25 A. Correct. Never.

47. PAGE 48:02 TO 48:04 (RUNNING 00:00:17.390)

02 Q. And is it true that the overseas
03 sales team only deals with the sale of
04 Ramen product outside Korea?

48. PAGE 48:05 TO 48:05 (RUNNING 00:00:02.748)

05 A. Yes. That's correct.

49. PAGE 48:06 TO 48:10 (RUNNING 00:00:14.116)

06 Q. And so it's true, isn't it, that
07 the people within Samyang Korea who deal
08 with sales of domestic Korean Ramen
09 product are different than the overseas
10 sales team.

50. PAGE 48:15 TO 48:15 (RUNNING 00:00:02.126)

15 A. Correct. They are different.

51. PAGE 48:16 TO 48:18 (RUNNING 00:00:11.159)

16 Q. Samyang did not participate in
17 any discussions about the possibility of
18 fixing prices of U.S. Ramen product, did

52. PAGE 48:19 TO 48:19 (RUNNING 00:00:00.434)

19 it?

53. PAGE 48:21 TO 48:21 (RUNNING 00:00:00.908)

21 A. Correct.

54. PAGE 48:22 TO 49:03 (RUNNING 00:00:29.357)

22 Q. Samyang has no knowledge about
23 whether or not the average retail prices
24 of Sam Yang U.S. Ramen products to
25 consumers in the United States increased
00049:01 HAN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 during any given year.
03 Isn't that true?

55. PAGE 49:08 TO 49:10 (RUNNING 00:00:08.300)

08 A. Correct. Samyang Limited is not
09 familiar with the price that Sam Yang
10 (USA) sells to its customers.

56. PAGE 52:17 TO 52:20 (RUNNING 00:00:11.412)

17 Q. In your experience, in the
18 negotiations between Samyang Limited and
19 Sam Yang (USA), Inc., sometimes do the
20 negotiations take a long time?

57. PAGE 52:22 TO 53:02 (RUNNING 00:00:20.176)

22 A. Yes. We wanted to apply the
23 price increase as soon as possible. But
24 Sam Yang (USA) wanted to delay as much as

Case Clip(s) Detailed Report
Monday, December 03, 2018, 3:05:43 PM

Coby Han

25 possible. So it was taking some time to
00053:01 HAN - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 apply our increased price.

58. PAGE 53:03 TO 53:07 (RUNNING 00:00:19.539)

03 Q. And when Samyang Limited wanted
04 to negotiate a higher price sooner with
05 Sam Yang (USA), was that because of the
06 increase in raw material prices that
07 Samyang Limited experienced?

59. PAGE 53:09 TO 53:11 (RUNNING 00:00:08.830)

09 A. The reason to increase price is
10 the increase in raw material cost and
11 fluctuation in foreign exchange rates.

60. PAGE 77:17 TO 77:21 (RUNNING 00:00:13.578)

17 Q. Okay. And so the market
18 price -- who's -- what are the companies
19 that are competing with Sam Yang (USA) to
20 your understanding with respect to the
21 sale of Ramen in the United States?

61. PAGE 77:22 TO 77:24 (RUNNING 00:00:11.093)

22 A. I believe that Sam Yang (USA) is
23 competing with all the other Korean Ramen
24 makers as well as Japanese Ramen makers.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:09:17.604)

COURT EXHIBIT 39b

KoreanNoodles

Han, Coby (Vol. 01) - 01/20/2016

1 CLIP (RUNNING 00:05:18.487)

HanCoby0120-Cross

10 SEGMENTS (RUNNING 00:05:18.487)



1. PAGE 30:18 TO 30:20 (RUNNING 00:00:06.900)

18 Q. How did you come up with what
19 the price would be that you would ask of
20 Samyang Limited -- Sam Yang (USA) to pay?

2. PAGE 30:21 TO 31:06 (RUNNING 00:00:45.435)

21 A. Once we received the factory
22 price, the manufacturing cost, factory
23 price, and then we look at the price, and
24 we add any kind of expenses or cost
25 related to export and also sales
00031:01
02 management cost and plus appropriate level
03 of profit margin for Samyang Limited. And
04 we negotiated with that price with Sam
05 Yang (USA). And that was our export
06 price.

3. PAGE 38:12 TO 38:14 (RUNNING 00:00:09.274)

12 Q. Now, there are manufacturing
13 cost differences between U.S. Ramen
14 product and Korean Ramen product; right?

4. PAGE 38:15 TO 38:23 (RUNNING 00:00:34.663)

15 A. Basically, if you look at the
16 big picture or big elements of Ramen,
17 there aren't that many differences. They
18 are quite similar. But as I stated
19 earlier, for Ramen products for export,
20 you have to have a separate packaging
21 process. So it has to be managed
22 separately. So there might be a slight
23 difference in terms of manufacturing cost.

5. PAGE 54:08 TO 54:12 (RUNNING 00:00:20.461)

08 Q. Mr. Han, isn't it true that the
09 source of some ingredients in U.S. Ramen
10 must be different than the source of the
11 similar ingredient in Korean Ramen
12 products?

6. PAGE 54:16 TO 55:07 (RUNNING 00:01:09.247)

16 A. There is not big substantial
17 difference between the Korean Ramen and
18 U.S. Ramen. In most cases, they are the
19 same. But -- I'll give you an example
20 with respect to beef or meat type.
21 In the United States, there was
22 changes in regulations in 2009 in the U.S.
23 So from that time on, further meat type
24 ingredient needs to be produced from the
25 work area where it was approved by USFDA.
00055:01

KoreanNoodles

02 And they have an approval from the USFDA.
 03 So the meat type should be from these work
 04 areas. So starting in 2009, starting
 05 2009, for meat type of ingredients had to
 06 be exchanged in order to adhere U.S.
 07 regulations.

7. PAGE 57:16 TO 57:21 (RUNNING 00:00:15.828)

16 Please describe for me all of
 17 the differences between the packaging of
 18 Samyang products sold in the Korean
 19 domestic market and the packaging for U.S.
 20 Ramen product that Samyang makes for the
 21 U.S. market.

8. PAGE 57:24 TO 58:14 (RUNNING 00:00:53.859)

24 A. The packaging for the U.S. Ramen
 25 products would have -- would have to
 00058:01 follow the U.S. labeling regulations.
 02 Since I'm not fully familiar with the
 03 labeling regulations, I cannot state
 04 clearly as to that.
 05 But I understand that the
 06 label -- labels have an English language.
 07 And that is the biggest difference; the
 08 labels would have an English for U.S.
 09 market and then the Korean for Korean
 10 market. And also how they list or how
 11 they -- they show for nutrition --
 12 nutrient information and ingredients are
 13 different. That's my understanding.
 14

9. PAGE 58:19 TO 58:23 (RUNNING 00:00:15.810)

19 Q. Is the outer packaging for
 20 shipment different because U.S. Ramen
 21 product must be shipped across the Pacific
 22 Ocean, and domestic Korean product is not
 23 shipped by ocean?

10. PAGE 58:25 TO 59:09 (RUNNING 00:00:47.010)

25 A. My understanding is that there
 00059:01 isn't much difference between the type of
 02 packaging for the Korean domestic market
 03 and the overseas market, but -- but the
 04 Ramen products that are to be exported
 05 need to be loaded onto a container. So we
 06 would have to put them in a box for
 07 protection purposes during the shipment
 08 period.
 09


TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:05:18.487)

COURT EXHIBIT 40a

Ottogi

 **Choi, Min H. (Vol. 01) - 04/19/2016**

1 CLIP (RUNNING 00:06:07.642)

 63:19 to 68:23

CHOI63

19 SEGMENTS (RUNNING 00:06:07.642)



1. PAGE 63:19 TO 63:21 (RUNNING 00:00:15.673)

19 MR. BIRKHAUSER: The next
20 document that I would like to mark
21 is -- as Exhibit 176 is OTGKR-0020731.

2. PAGE 63:25 TO 64:04 (RUNNING 00:00:26.394)

25 MR. BIRKHAUSER: And then we
00064:01 CHOI - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 will mark as Exhibit 177 its
03 attachment, which is OTGKR-0020732
04 through 737.

3. PAGE 64:09 TO 64:11 (RUNNING 00:00:05.058)

09 Okay. I have gone over it.
10 Q. Can you tell me what Exhibit 177
11 is.

4. PAGE 64:12 TO 64:16 (RUNNING 00:00:17.349)

12 A. So this amounts to a
13 notification concerning the adjustment as
14 to the domestic choalgo price and consumer
15 price for Ramen.
16 Q. So who is Mr. Jin Won-Tae?

5. PAGE 64:17 TO 64:20 (RUNNING 00:00:19.387)

17 A. He previously used to serve as
18 the head of overseas business.
19 Q. And in the year 2008, what was
20 Mr. Jin's title?

6. PAGE 64:21 TO 64:24 (RUNNING 00:00:10.032)

21 A. He was senior manager.
22 Q. And do you recall receiving
23 Exhibit 177 while working at the Overseas
24 Business Division?

7. PAGE 64:25 TO 65:06 (RUNNING 00:00:21.131)

25 A. I don't have an actual
00065:01 CHOI - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 recollection to such effect, but I do
03 understand what this would be about.
04 Q. So in Exhibit 177, Mr. Jin is
05 sending an email to the entire Overseas
06 Business Division; is that correct?

8. PAGE 65:07 TO 65:12 (RUNNING 00:00:12.730)

07 A. Yes, that is correct.
08 Q. Do you have any reason to
09 believe that you did not receive
10 Exhibit 177 while employed with the
11 Overseas Business Division in the year
12 2008?

Ottogi

9. PAGE 65:13 TO 65:20 (RUNNING 00:00:16.023)

13 A. It's not that I am saying that I
 14 didn't receive it; I'm just simply saying
 15 I cannot recall, because there were just
 16 so many emails.
 17 Q. Sure.
 18 But is there any reason, as you
 19 sit here today, that you believe you
 20 didn't receive Exhibit 177?

10. PAGE 65:21 TO 65:21 (RUNNING 00:00:00.923)

21 A. No. I mean, it says "To the

11. PAGE 65:21 TO 66:02 (RUNNING 00:00:22.024)

21 A. No. I mean, it says "To the
 22 Overseas Business Division," so, no, I
 23 wouldn't think so.
 24 Q. Can you read for me the subject
 25 of Mr. Jin's email, as it appears on
 00066:01 CHOI - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 Exhibit 177.

12. PAGE 66:06 TO 66:10 (RUNNING 00:00:12.079)

06 Q. Let me just -- let me state the
 07 question again.
 08 Can you read for me the subject
 09 of Mr. Jin's email, as it appears on
 10 Exhibit 176.

13. PAGE 66:11 TO 66:17 (RUNNING 00:00:38.032)

11 A. "Price increase as to Ramen
 12 effective April the 1st (is that 5 to 10
 13 percent but for exports unify to an
 14 increase of 10 percent and make
 15 notification)."
 16 THE INTERPRETER: Subject to
 17 standard disclaimers and reservations.

14. PAGE 66:18 TO 66:21 (RUNNING 00:00:11.404)

18 Q. The attachment to Exhibit 176 is
 19 177.
 20 Can you tell me what Exhibit 177
 21 is.

15. PAGE 66:22 TO 67:07 (RUNNING 00:00:36.486)

22 A. So going by way of what the
 23 document states, it's talking about how
 24 there has been an adjustment as to the
 25 choalgo price and retail --
 00067:01 CHOI - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 THE INTERPRETER: Strike.
 03 A. -- consumer price of Ramen.
 04 Q. And the Ramen that's -- the
 05 Ramen prices being adjusted in Exhibit 177
 06 is Ramen sold in the Korean domestic
 07 market; correct?

16. PAGE 67:08 TO 67:15 (RUNNING 00:00:23.673)

08 A. In terms of the way the document
 09 appears to be, that would appear to be the
 10 case.
 11 Q. And what Mr. Jin is telling the
 12 Overseas Business Division to do is to

Ottogi

13 apply the April 1st price increase to
14 products that Ottogi Korea is going to
15 export; correct?

17. PAGE 67:20 TO 68:15 (RUNNING 00:00:59.991)

20 A. So based upon what I know -- or,
21 rather what I remember -- or, actually, my
22 experience -- so going back to what we
23 talked about earlier, within the Overseas
24 Business Division, there are these
25 domestic exporters that they -- that we
00068:01 CHOI - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
02 have dealt with. These folks, mind you,
03 are located in Korea, but they export to
04 other countries. And so my take on this
05 is that what the gentleman was saying was,
06 "Reflect the changes in the choolgo price
07 vis-`-vis such domestic exporters and
08 appropriately adjust things."
09 Now, in the case of either the
10 U.S. entity or other entities in other
11 locales, the determination as to the
12 export price is not based upon the choolgo
13 price, as such, but rather, the
14 procurement price. So this and that have
15 nothing to do with each other.

18. PAGE 68:16 TO 68:18 (RUNNING 00:00:09.344)

16 Q. Do you see any information on
17 Exhibit 176 relating to domestic
18 exporters?

19. PAGE 68:19 TO 68:23 (RUNNING 00:00:09.909)

19 A. There is no such information or
20 reference, but I would certainly believe
21 that our hands-on personnel would
22 certainly have understood what the notion
23 was.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:06:07.642)

COURT EXHIBIT 41a

KoreanNoodles

Ku, Bangwan (Vol. 03) - 04/07/2016**1 CLIP (RUNNING 00:02:27.271)**

In what departments did they go ...

BK-0407-0009320**1 SEGMENT (RUNNING 00:02:27.271)****1. PAGE 93:20 TO 95:04 (RUNNING 00:02:27.271)**

20 Q. In what departments did they go
21 through documents?
22 A. Well, so basically, since it was
23 our department that handled price-related
24 matters, I told you that they asked as to
25 which department was responsible for that.

00094:01
02 So they were basically led to us, and they
03 basically started talking to, well, all of
04 us there.
05 Q. When you say "us," do you mean
06 the sales planning department?
07 A. That's right. So initially,
08 they basically dealt with everybody in the
09 unit, and then, over the course of some
10 time, they eventually started dealing
11 mostly with the actual hands-on person
12 with respect to price and the head of the
13 department.
14 Q. And, again, when you say "the
15 department," you're talking about the
16 sales planning department; is that
17 correct?
18 A. Yes. That's correct.
19 Q. Did the KFTC visit any other
20 departments?
21 A. I mean, yes, basically, they'd
22 kind of, you know, stop by or pop -- pop
23 in and out. But it wasn't really in the
24 sense of conducting an investigation. It
25 was really just to kind of see what kind

00095:01
02 of documents there may or may not be. It
03 was just kind of, like, a quick
04 swing-through.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:02:27.271)

COURT EXHIBIT 42a

KoreanNoodles

Cox, Alan (Vol. 02) - 09/27/2017**1 CLIP (RUNNING 00:01:36.552)**

Did you take into account any changes in the way ...

AC-0927-0028416**1 SEGMENT (RUNNING 00:01:36.552)****1. PAGE 284:16 TO 285:17 (RUNNING 00:01:36.552)**

16 Did you take into account any changes in the way
17 that Korean-branded ramen was distributed in the
18 United States after March of 2003?
19 A Yes. Sorry.
20 Q In the -- sorry.
21 In the way that you constructed your forecast
22 regression model?
23 A Yes, I did.
24 Q And how did you do that?
25 A Well, I took into account, for instance, any
00285:01 impact that changes after 2003 would have had on -- on
02 the costs of manufacturing for instance and the fact
03 that we were able to estimate a model that came pretty
04 close to estimating the actual prices, or calculating
05 the actual prices, I think is a good indicator that that
06 was adequate for -- you know, that that was an adequate
07 way of taking care of whatever changes.
08 Overall, the changes, if any, that took place
09 after 2003 did nothing to dilute the results of the
10 forecasting model.
11 Q Did you just say that at least a loose robustness
12 check of your forecast model -- for you -- was the fact
13 that the but-for prices it predicted were similar to
14 those -- the actual prices that were charged in the
15 market during the conspiracy period?
16 A Yeah. That's -- that's what I said, and that's
17 correct.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:01:36.552)

COURT EXHIBIT 43a

KoreanNoodles

Seo, Jin Woo (Vol. 01) - 01/21/2016

1 CLIP (RUNNING 00:01:21.123)

SEOJINWOO-0121A 10 SEGMENTS (RUNNING 00:01:21.123)



1. PAGE 30:14 TO 30:16 (RUNNING 00:00:14.609)

14 Q. Are you aware of a fax that had
15 been sent to Samyang from Nongshim on
16 February 23rd or 24th of 2007?

2. PAGE 30:20 TO 30:20 (RUNNING 00:00:02.904)

20 A. Yes. I do recall.

3. PAGE 30:21 TO 30:22 (RUNNING 00:00:06.543)

21 Q. All right. Did you see that fax
22 on or about February 23rd or 24, 2007?

4. PAGE 30:23 TO 30:23 (RUNNING 00:00:02.437)

23 A. Yes, I did.

5. PAGE 30:24 TO 30:25 (RUNNING 00:00:04.884)

24 Q. Okay. And how -- how did you
25 become aware of the existence of this fax?

6. PAGE 31:02 TO 31:03 (RUNNING 00:00:13.672)

02 A. Mr. Jong Moon Yui brought that
03 fax to me and -- and reported to me.

7. PAGE 31:04 TO 31:06 (RUNNING 00:00:08.646)

04 Q. Okay. So tell me what -- why
05 did -- to your understanding, why did
06 Mr. Yui bring the fax to your attention?

8. PAGE 31:11 TO 31:12 (RUNNING 00:00:12.346)

11 A. That fax had information
12 concerning price increase.

9. PAGE 31:15 TO 31:18 (RUNNING 00:00:12.681)

15 Were you interested in
16 understanding whether Nongshim was
17 intending to raise Ramen prices in or
18 about February 23, 2007?

10. PAGE 31:19 TO 31:19 (RUNNING 00:00:02.401)

19 A. Yes, I was.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:01:21.123)

KoreanNoodles

Seo, Jin Woo (Vol. 02) - 01/22/2016

1 CLIP (RUNNING 00:06:00.304)

SEOJINWOO-0122A

46 SEGMENTS (RUNNING 00:06:00.304)



1. PAGE 6:06 TO 6:07 (RUNNING 00:00:03.510)

06 Q. Okay. Mr. Seo, do you have
07 Exhibit 49 in front of you?

2. PAGE 6:08 TO 6:11 (RUNNING 00:00:04.808)

08 A. Yes.
09 Q. Okay. Can you tell us --
10 A. I do.
11 Q. -- what is Exhibit 49, sir?

3. PAGE 6:12 TO 6:14 (RUNNING 00:00:11.455)

12 A. This is the price increase plan
13 or proposal that we received from Nongshim
14 for 2007 price increase period.

4. PAGE 6:15 TO 6:21 (RUNNING 00:00:18.219)

15 Q. Okay. And can you tell us --
16 did you actually see this -- I know we've
17 covered this.
18 But just to be clear with
19 respect to Exhibit 49, did you actually
20 receive this fax and see it yourself in or
21 about January or February 2007?

5. PAGE 6:22 TO 6:25 (RUNNING 00:00:15.596)

22 A. I did not personally receive
23 this fax; rather, it was received by
24 Mr. Jong Moon Yui, and he reported this to
25 me.

6. PAGE 7:02 TO 7:02 (RUNNING 00:00:02.592)

02 Q. And did you see the fax?

7. PAGE 7:03 TO 7:03 (RUNNING 00:00:01.779)

03 A. Yes. I saw it at that time.

8. PAGE 7:04 TO 7:05 (RUNNING 00:00:02.304)

04 Q. Okay. So Mr. Yui brought it to
05 you.

9. PAGE 7:06 TO 7:08 (RUNNING 00:00:09.688)

06 A. Yes. Yes. This was a part of
07 the documents that he brought for me to
08 approve.

10. PAGE 7:09 TO 7:11 (RUNNING 00:00:09.696)

09 Q. Okay. And do you see up there
10 that it looks like it has a Nongshim
11 symbol on the fax?

KoreanNoodles

11. PAGE 7:12 TO 7:12 (RUNNING 00:00:02.227)

12 A. Yes. I see that.

12. PAGE 7:13 TO 7:14 (RUNNING 00:00:02.299)

13 Q. All right. And can you see that
14 it was sent by Nongshim?

13. PAGE 7:15 TO 7:15 (RUNNING 00:00:02.559)

15 A. Yes, I can.

14. PAGE 7:16 TO 7:21 (RUNNING 00:00:12.166)

16 Q. All right. Now, it suggests, I
17 think, that there were five pages to this
18 fax at one point.
19 Can you see -- can you see the
20 reference to that up in the upper
21 right-hand corner of the first page?

15. PAGE 7:22 TO 7:22 (RUNNING 00:00:02.442)

22 A. Yes. I can see that.

16. PAGE 7:23 TO 7:25 (RUNNING 00:00:08.269)

23 Q. All right. Did you ask anybody
24 in the marketing department to locate this
25 fax for you last night?

17. PAGE 8:02 TO 8:02 (RUNNING 00:00:01.835)

02 A. Yes, I did.

18. PAGE 8:03 TO 8:06 (RUNNING 00:00:05.851)

03 Q. All right. And were they able
04 to find the five pages of the fax, or was
05 this the entirety of what they were able
06 to locate?

19. PAGE 8:07 TO 8:08 (RUNNING 00:00:07.929)

07 A. They could only find these two
08 pages, first two pages.

20. PAGE 8:09 TO 8:12 (RUNNING 00:00:07.611)

09 Q. Okay. All right. And so -- and
10 do you have an understanding of where it
11 is that the marketing department found
12 this fax last night?

21. PAGE 8:13 TO 8:15 (RUNNING 00:00:10.412)

13 A. My understanding is that they
14 found it in documents that our company
15 maintains.

22. PAGE 61:20 TO 61:22 (RUNNING 00:00:09.795)

20 Q. All right. And Exhibit 49 is
21 the version of the Nongshim fax that was
22 contained in Samyang's files; correct?

23. PAGE 61:23 TO 61:24 (RUNNING 00:00:05.818)

23 A. Yes. This is the fax received
24 from Nongshim.

KoreanNoodles

24. PAGE 61:25 TO 62:03 (RUNNING 00:00:06.351)

25 Q. All right. And the version of
00062:01
02 the fax as you have it doesn't have the
03 KFTC dawn raid stamp on it, does it?

25. PAGE 62:07 TO 62:07 (RUNNING 00:00:04.202)

07 A. No. There is no such stamp.

26. PAGE 62:08 TO 62:13 (RUNNING 00:00:16.751)

08 Q. Okay. And if you could look at
09 the top of Exhibit 49, do you see there
10 the -- I guess you would call it a receipt
11 that indicates that this document was sent
12 to Samyang from Nongshim directly?
13 Do you see that?

27. PAGE 62:18 TO 62:18 (RUNNING 00:00:02.591)

18 A. Yes. That is correct.

28. PAGE 62:19 TO 62:21 (RUNNING 00:00:15.431)

19 Q. All right. And the date on the
20 fax return or receipt is "24 JAN 2007" at
21 8:53; correct?

29. PAGE 62:24 TO 62:24 (RUNNING 00:00:02.771)

24 A. Yes. That is correct.

30. PAGE 62:25 TO 63:03 (RUNNING 00:00:13.339)

25 Q. All right. And the date on the
00063:01
02 document as printed on the right-hand side
03 says "2007-02-23"; correct?

31. PAGE 63:04 TO 63:04 (RUNNING 00:00:02.501)

04 A. Yes. That's correct.

32. PAGE 63:05 TO 63:06 (RUNNING 00:00:04.348)

05 Q. All right. And you understand
06 that to be February 23, 2007?

33. PAGE 63:07 TO 63:07 (RUNNING 00:00:03.451)

07 A. Yes. That is my understanding.

34. PAGE 67:09 TO 67:12 (RUNNING 00:00:10.499)

09 In your statement to the KFTC,
10 you said that it was your understanding
11 that the fax was received around
12 February 23, 2007; right?

35. PAGE 67:13 TO 67:13 (RUNNING 00:00:01.849)

13 A. Yes. That's correct.

36. PAGE 67:14 TO 67:15 (RUNNING 00:00:03.327)

14 Q. And that is still your testimony
15 today here, isn't it?

37. PAGE 67:16 TO 67:16 (RUNNING 00:00:01.353)

16 A. Yes.

KoreanNoodles

38. PAGE 67:17 TO 67:20 (RUNNING 00:00:25.151)

17 Q. Please look at the second page
18 of the two-page document, Exhibit 49.
19 Please look at the very top right-hand
20 corner. It says "P2/5."

39. PAGE 67:21 TO 67:21 (RUNNING 00:00:00.889)

21 Do you see that?

40. PAGE 67:22 TO 67:22 (RUNNING 00:00:02.208)

22 A. Yes. I see that.

41. PAGE 67:23 TO 67:25 (RUNNING 00:00:08.402)

23 Q. On the same page, however, in
24 the bottom right, it says "P3/5."
25 Do you see that?

42. PAGE 68:02 TO 68:02 (RUNNING 00:00:02.866)

02 A. Yes. I saw that.

43. PAGE 68:03 TO 68:05 (RUNNING 00:00:09.697)

03 Q. Do you have any information
04 about why that is? If you know. If you
05 don't know --

44. PAGE 68:06 TO 68:08 (RUNNING 00:00:09.120)

06 A. I assume that there are probably
07 pages followed by this one, but I have
08 never seen those pages.

45. PAGE 68:09 TO 68:15 (RUNNING 00:00:23.930)

09 Q. And didn't you say in your
10 testimony earlier today that your
11 understanding is that the fax header with
12 the "24 JAN 2007" was something that you
13 understood to be an error in either the
14 sender's fax machine or the recipient's
15 fax machine; right?

46. PAGE 68:23 TO 69:06 (RUNNING 00:00:30.417)

23 A. Concerning the date that it was
24 received, I stated that I remember
25 receiving this fax on or around
00069:01 February 23rd. The date that appears on
02 top of this fax, as I stated yesterday, it
03 might be the errors from Nongshim's fax
04 machines or the Samyang's fax machines. I
05 do not know that.
06

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:06:00.304)
--

COURT EXHIBIT 43b

Case Clip(s) Detailed Report
 Tuesday, December 18, 2018, 8:01:56 AM

WooSEO

Seo, Jin woo (Vol. 01) - 01/22/2016

1 CLIP (RUNNING 00:01:40.631)

MS. MANN: Samyang has just ...

PLAY120518 -0122-912

10 SEGMENTS (RUNNING 00:01:40.631)



1. PAGE 9:12 TO 9:14 (RUNNING 00:00:06.610)

12 MS. MANN: Samyang has just
 13 produced Exhibit 49 or the document
 14 that has been marked as Exhibit 49.

2. PAGE 28:05 TO 28:09 (RUNNING 00:00:15.380)

05 First, you recall yesterday that
 06 you testified that you understood the date
 07 "24 JAN.," J-A-N, period, "2007," was a
 08 mistake either in the sender's fax machine
 09 or the recipient's fax machine; right?

3. PAGE 28:10 TO 28:10 (RUNNING 00:00:01.788)

10 A. Yes. I do recall.

4. PAGE 67:06 TO 67:06 (RUNNING 00:00:02.452)

06 Please look at Exhibit 49 on

5. PAGE 67:07 TO 67:08 (RUNNING 00:00:08.964)

07 this topic of the marking that says "24
 08 JAN 2007?"

6. PAGE 67:09 TO 67:12 (RUNNING 00:00:10.401)

09 In your statement to the KFTC,
 10 you said that it was your understanding
 11 that the fax was received around
 12 February 23, 2007; right?

7. PAGE 67:13 TO 67:15 (RUNNING 00:00:04.353)

13 A. Yes. That's correct.
 14 Q. And that is still your testimony
 15 today here, isn't it?

8. PAGE 67:16 TO 67:16 (RUNNING 00:00:01.365)

16 A. Yes.

9. PAGE 68:09 TO 68:15 (RUNNING 00:00:23.556)

09 Q. And didn't you say in your
 10 testimony earlier today that your
 11 understanding is that the fax header with
 12 the "24 JAN 2007" was something that you
 13 understood to be an error in either the
 14 sender's fax machine or the recipient's
 15 fax machine; right?

10. PAGE 68:23 TO 69:06 (RUNNING 00:00:25.762)

23 A. Concerning the date that it was
 24 received, I stated that I remember
 25 receiving this fax on or around
 00069:01 SEO - HIGHLY CONFIDENTIAL - ATTYS' EYES ONLY
 02 February 23rd. The date that appears on
 03 top of this fax, as I stated yesterday, it

Case Clip(s) Detailed Report
Tuesday, December 18, 2018, 8:01:56 AM

WooSEO

04 might be the errors from Nongshim's fax
05 machines or the Samyang's fax machines. I
06 do not know that.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:01:40.631)